

Sessional Papers

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 30 APRIL, 1889.

No. 1.

OFFENDER'S PROBATION BILL.

Clause 3. When a person is convicted of a minor offence, not having been previously convicted in New South Wales, or elsewhere, in so far as is known to the Court, of an offence, and is sentenced upon such conviction to penal servitude or imprisonment for a period exceeding three months, the following provisions shall have effect:—

- (i) The Court shall proceed to pass sentence upon the offender in the usual form.
- (ii) The Court may, if it thinks fit, suspend the execution of the sentence upon the offender entering into a recognizance, *with or without sureties*, in such amount as the Court directs, such recognizance being conditioned that the offender shall be of good behaviour for a period from the date of the sentence equal to the term of the sentence, or if the term of the sentence is less than twelve months, then for the period of twelve months, and shall not during the like period do or omit to do any act whereby the recognizance would become liable to be forfeited under the provisions hereinafter contained.
- (iii) When such recognizance is entered into the offender shall *may be removed to such gaol or other place as the Court may determine and there forthwith submitted to the examination customary for securing future identification. But detention for this purpose shall not exceed the term of twenty-four hours, and the offender shall thereupon be discharged from custody, but shall be liable to be arrested by any of the Peace Officers and to be committed to prison, under a warrant issued for that purpose by any Court or Justice of the Peace, to perform his sentence, if during the period specified in the recognizance any of the conditions hereinafter specified happens with respect to him, and written notice shall upon his discharge be given to the offender, signed by the Clerk or other officer of the Court, specifying the conditions under which the offender will become liable to be so committed to prison.*
- (iv) When an offender is so committed to prison the sentence shall begin to run from the date of such committal, but the term of the sentence shall not extend beyond the period specified in the recognizance, and at the expiration of that period the offender shall be entitled to be discharged. (*Read.*)

Motion made (*Mr. Gould*) that the following subsection be inserted as subsection (iii) of the clause.

- (iii) The Court may, if it think fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as may be directed by the Court.

Question

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

Ayes, 24.	Noes, 38.
Mr. McMillan,	Mr. Copland.,
Mr. O'Connor,	Mr. Alison,
Mr. Sydney Smith,	Mr. Alexander Brown,
Mr. Carruthers,	Mr. Lyne,
Mr. Trail,	Mr. O'Sullivan,
Mr. Gould,	Mr. Crick,
Mr. Molesworth,	Mr. Edmunds,
Mr. Tonkin,	Mr. J. P. Abbott,
Mr. Fuller,	Mr. Frank Smith,
Mr. Bowman,	Mr. O. O. Dangar,
Mr. Wilshire,	Mr. Willis,
Mr. Stephen,	Mr. Howe,
Mr. Teece,	Dr. Ross,
Mr. Hawken,	Mr. Ferguson,
Mr. Playfair,	Mr. Perry,
Mr. Haynes,	Mr. McRae,
Mr. Hutchison <i>(Canterbury),</i>	Mr. Torpy,
Mr. Lee,	Mr. Cruickshank,
Mr. Morton,	Mr. Dickens,
	Mr. Cass,
	<i>Tellers,</i>
	Mr. Lakeman,
	Mr. Hassall.

Proposed amendment negatived.

And the clause having been amended, as indicated,—

Clause as amended agreed to.

On motion of Mr. J. P. Abbott, the Chairman left the Chair, to report the Bill with amendments.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 14 MAY, 1889.

No. 1.

MINISTERIAL ELECTION BILL.

Clause 1. From and after the passing of this "Act" it shall not be lawful to declare the seat or election of any Member of the Legislative Assembly void, or to issue a writ for a new election by reason of such Member having accepted any one of the offices enumerated in the Schedule to the "Constitution Act Amendment Act of 1884," the seat of any Member of the Legislative Assembly who shall accept any office of profit under the Crown during pleasure or for a term of years, being any one of the offices enumerated in the Schedule to the "Constitution Act Amendment Act of 1884," or which may hereafter be created by any Act of Parliament as an office of the Executive Government, shall not thereby become vacated or be void, nor shall there be any necessity for a writ to issue for a new election. (Read.)

Motion made (*Mr. Gould*) that all the words after the word "Act" in line 1 be omitted, with a view to insert the following words:—

"the seat of any Member of the Legislative Assembly who shall accept any office of profit under the Crown during pleasure or for a term of years, being any one of the offices enumerated in the Schedule to the 'Constitution Act Amendment Act of 1884,' or which may hereafter be created by any Act of Parliament as an office of the Executive Government, shall not thereby become vacated or be void, nor shall there be any necessity for a writ to issue for a new election."

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

Ayes, 3.
Sir Henry Parkes.

Tellers,

Mr. Playfair,
Mr. Crick.

Noes, 59.

Mr. Tonkin,	Mr. Nicoll,
Mr. Carruthers,	Mr. H. H. Brown,
Mr. Morton,	Mr. Howe,
Mr. Gould,	Mr. Clubb,
Mr. Burns,	Mr. Wilsbirc,
Mr. Alexander Brown,	Mr. A'Beckett,
Mr. Brunker,	Mr. Gormly,
Mr. Sydney Smith,	Mr. Alfred Allen,
Mr. McMillan,	Mr. Ryrie,
Mr. Willis,	Mr. Teece,
Mr. Haynes,	Mr. Hassall,
Mr. Molesworth,	Mr. O. O. Dangar,
Mr. Wright,	Mr. Hutchison (<i>Canterbury</i>),
Mr. Hurley,	Mr. W. E. Abbott,
Mr. Nobbs,	Mr. Hawthorne,
Mr. Dibbs,	Mr. Davis,
Mr. Chapman,	Mr. Scobie,
Mr. Dawson,	Mr. Walker,
Mr. Plumb,	Mr. Harold Stephen,
Mr. Edmunds,	Mr. Barbour,
Mr. Garrard,	Mr. Levien,
Mr. Traill,	Mr. Turner,
Mr. Toohey,	Mr. Cass,
Mr. Copeland,	Mr. Woodward,
Mr. Wyman Brown,	Mr. Waddell,
Mr. McRae,	Mr. Stevenson.
Mr. Hawken,	Tellers,
Mr. Cooke,	Mr. Hogan,
Mr. Bowman,	Mr. Joseph Abbott.
Mr. King,	
Mr. Shepherd,	

Words omitted.

No. 2.

SAME BILL.

Same clause.

Question put,—That the words proposed to be inserted in place of the words omitted be so inserted,

Committee divided.

Ayes, 43.

Mr. McMillan,
Mr. Dibbs,
Mr. Gould,
Mr. Carruthers,
Mr. Shepherd,
Mr. Hurley,
Mr. Sydney Smith,
Mr. Harold Stephen,
Mr. Walker,
Mr. Wright,
Mr. Copeland,
Mr. Nicoll,
Mr. Dawson,
Mr. Davis,
Mr. Howe,
Mr. Wilshire,
Mr. Woodward,
Mr. Teece,
Mr. Crick,
Mr. Morton,
Mr. Alfred Allen,
Mr. Haynes,
Mr. Edmunds,

Mr. Nobbs,
Mr. W. E. Abbott,
Mr. Hawthorne,
Mr. Barbour,
Mr. King,
Mr. Waddell,
Mr. Stevenson,
Mr. Wyman Brown,
Mr. Clubb,
Mr. Joseph Abbott,
Mr. Ryrie,
Mr. Hogan,
Mr. Scobie,
Mr. Gormly,
Mr. Garrard,
Mr. Cass,
Mr. Turner,
Mr. Hutchison,
(*Canterbury*).
Tellers,
Mr. Levien,
Mr. Hassall.

Words inserted.

No. 3.

SAME BILL.

Same clause.

Question put,—That the clause as amended stand clause 1 of the Bill.

Committee divided.

Ayes, 42.

Mr. McMillan,
Mr. Dibbs,
Mr. Gould,
Mr. Carruthers,
Mr. Shepherd,
Mr. Hurley,
Mr. Sydney Smith,
Mr. Harold Stephen,
Mr. Walker,
Mr. Wright,
Mr. Copeland,
Mr. Nicoll,
Mr. Alfred Allen,
Mr. Haynes,
Mr. Edmunds,
Mr. W. E. Abbott,
Mr. Barbour,
Mr. Levien,
Mr. Hassall,
Mr. Garrard,
Mr. Gormly,
Mr. Hogan,
Mr. Ryrie,

Mr. Joseph Abbott,
Mr. Clubb,
Mr. Wyman Brown,
Mr. Stevenson,
Mr. Waddell,
Mr. King,
Mr. Dawson,
Mr. Howe,
Mr. Davis,
Mr. Wilshire,
Mr. Woodward,
Mr. Teece,
Mr. Morton,
Mr. Hutchison,
(*Canterbury*).
Tellers,
Mr. Cass,
Mr. Turner,
Mr. Scobie.
Tellers,
Mr. Nobbs,
Mr. Hawthorne.

Noes, 16.

Mr. Traill,
Mr. Toohey,
Mr. Brunker,
Mr. Willis,
Sir Henry Parkes,
Mr. H. H. Brown,
Mr. Molesworth,
Mr. Plumb,
Mr. Burns,
Mr. Playfair,
Mr. Cooke,
Mr. A'Beckett,
Mr. Hawken,
Mr. O. O. Dangar.
Tellers,
Mr. Alexander Brown,
Mr. Tonkin.

Noes, 15.

Mr. Tonkin,
Mr. Alexander Brown,
Mr. Brunker,
Sir Henry Parkes,
Mr. Molesworth,
Mr. Plumb,
Mr. Burns,
Mr. Playfair,
Mr. O. O. Dangar,
Mr. Hawken,
Mr. A'Beckett,
Mr. Cooke,
Mr. H. H. Brown.
Tellers,
Mr. Willis,
Mr. Toohey.

Clause, as amended, agreed to.

And the Bill having been further amended, Chairman left the Chair, on motion of Mr. Hurley, to report the Bill with amendments to the House.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 3.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

THURSDAY, 6 JUNE, 1889.

No. 1.

CROWN LANDS BILL.

Clause 5. It shall be lawful for the Minister from time to time to direct "any Local Land Board" to deal with any matter, question, or inquiry that has arisen, or shall arise, without regard to the Land Board District or Land District in which the land forming the subject of such matter, question, or inquiry may be "situated." And the said Land Board shall have as full power and jurisdiction to deal with the matter as if the land aforesaid were situated within that Board's proper Land Board District or Land District. Provided that anything similarly done by any Local Land Board before the commencement of this Act, either from inadvertence or otherwise, shall have the same effect in law as if done by the Land Board empowered to deal therewith. (*Read.*)

Motion made (*Mr. Traill*) to omit from lines 1 and 2 the words "any Local Land Board" with a view to insert the words,—

"the Local Land Board of any district contiguous to that in which any part of the land applied for is situate."

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

Ayes, 69.

Mr. McMillan,
Mr. Reid,
Mr. Brunker,
Mr. Sydney Smith,
Mr. O'Connor,
Mr. Carruthers,
Mr. Gould,
Mr. Bruce Smith,
Mr. Garrett,
Mr. Greene,
Mr. Burns,
Mr. H. H. Brown,
Mr. Thompson,
Mr. Paul,
Mr. Abigail,
Mr. Harold Stephen,
Mr. Ewing,
Mr. Hassell,
Mr. Dowel,
Mr. Alfred Allen,
Mr. King,
Mr. Cruickshank,
Sir Henry Parkes,
Mr. J. P. Abbott,
Mr. Fuller,
Mr. Seaver,
Mr. Ritchie,
Mr. Lamb,
Mr. Wilshire,
Mr. Wheeler,
Mr. Hutchison
(*Canterbury*),
Mr. Shephard,
Mr. Tonkin,
Mr. McCourt,
Mr. Lees,

Words stand.

335—

Noes, 13.

Mr. O'Sullivan,
Mr. Traill,
Mr. Chanter,
Mr. Garvan,
Mr. R. B. Wilkinson,
Mr. Hutchison
(*Glen Innes*),
Mr. Dalton,
Dr. Ross,
Mr. Gough,
Mr. Crick,
Mr. Alison.
Tellers,
Mr. Wall,
Mr. Edmunds.

No. 2.

No. 2.

Same clause.

Motion made (*Mr. Chanter*) to insert, after the word "situated," in line 4, the following words,—

"Provided that such Land Board is, in the opinion of the Minister, the most convenient of access to the parties whose cases are to be inquired into by such Land Board."

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

Ayes, 16.

Mr. Alison,
Mr. Crick,
Mr. O'Sullivan,
Mr. Garvan,
Mr. Chanter,
Mr. Traill,
Mr. Edmunds,
Mr. Torpy,
Mr. Wall,
Mr. Gough,
Mr. Hutchison,
(Glen Innes),
Mr. Seaver,
Mr. J. P. Abbott,
Mr. A'Beckett.

Tellers,
Mr. Turner,
Dr. Ross.

Noes, 61.

Mr. Tonkin,	Mr. Lees,
Mr. Lamb,	Mr. Paul,
Mr. Nicoll,	Mr. McFarlane,
Mr. W. E. Abbott,	Mr. Stevenson,
Mr. McMillan,	Mr. Perry,
Mr. Brunker,	Mr. Barnes,
Mr. Carruthers,	Mr. Waddell,
Mr. Sydney Smith,	Mr. Hogan,
Mr. Gould,	Mr. H. H. Brown,
Mr. Burns,	Mr. Hutchison
Mr. Reid,	<i>(Canterbury),</i>
Mr. Garrett,	Mr. Woodward,
Mr. Alfred Allen,	Mr. T. G. Dangar,
Mr. Stephen,	Mr. Ball,
Mr. Abigail,	Mr. Scobie,
Mr. Wheeler,	Mr. Teece,
Mr. Nobbs,	Mr. King,
Mr. McCourt,	Mr. Cullen,
Mr. O. O. Dangar,	Mr. Joseph Abbott,
Mr. Cooke,	Mr. Haynes,
Mr. Thompson,	Mr. Shepherd,
Mr. Fuller,	Mr. Clarke,
Mr. Copland,	Mr. Ritchie,
Mr. O'Connor,	Mr. Harold Stephen,
Mr. Kidd,	Mr. Dawson,
Mr. Bowman,	Mr. Morton,
Mr. Lyne,	Mr. Ewing,
Mr. Greene,	Mr. Holborow.
Mr. Wilshire,	<i>Tellers,</i>
Mr. Bruce Smith,	Mr. Cruicksank,
Mr. Dickens,	Mr. Hussall.
Mr. Cass,	

Words proposed to be inserted negatived.

Clause as read agreed to.

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

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 4.

WEEKLY REPORT OF DIVISIONS.

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 12 JUNE, 1889.

No. 1.

CROWN LANDS BILL.

Clause 12. The title to any conditional purchase or conditional or homestead lease applied for after the commencement of this Act shall commence from "the date of application therefor," if valid, and any such application, shall withdraw such of the lands therein described as may be available for the purpose from any annual lease or occupation license under which they may be held. Provided that the Land Agent shall, within one week of the receipt of any such application, notify the same through the post to the holder of any annual lease or occupation license within which the land applied for or any part thereof may be situated. And no person making any such application shall acquire any rights of impounding any stock of the lessee or licensee until three weeks after the date of such application, in the case of a conditional purchase or conditional lease until four weeks after the date of such application, and in the case of a homestead lease for three months after the date of such application. If land be granted in satisfaction thereof of a less area than, or in a different position from, that applied for, such of the land described as may not be granted, or, if the application be withdrawn, the whole of the lands described therein, shall, at the date of confirmation of the application, or approval of its withdrawal, as the case may be, revert to the lease or license. In the case of a homestead lease, any similar reverter shall take effect on notification in the *Gazette*, of the approval of such lease, or of the acceptance of the applicant's refusal thereof. The rents of any such conditional or homestead leases shall be paid annually in advance not later than one day prior to a date corresponding to the date of application. (*Read.*)

And the Committee continuing to sit after midnight,—

THURSDAY, 13 JUNE, 1889, A.M.

Motion made (*Mr. W. E. Abbott*) to omit from line 2 the words "the date of application therefor," with a view to insert the words "the date of preliminary allotment by the Land Board."

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

Ayes, 23.

Mr. Bruce Smith,	Mr. Mackinnon,
Mr. Sydney Smith,	Mr. Cooke,
Mr. Carruthers,	Mr. Hayes,
Mr. Brunker,	Mr. Hawken,
Mr. McMillan,	Mr. Shepherd,
Mr. O'Connor,	Mr. Tocce,
Mr. H. H. Brown,	Mr. Fuller,
Mr. Paul,	Mr. Jones.
Mr. Lakenan,	Tellers,
Mr. Gormly,	
Mr. Barnes,	Mr. O. O. Dangar.
Mr. McRae,	Mr. Woodward.
Mr. Cass,	

Words stand.

360—

Noes, 15.

Mr. O'Sullivan,	Tellers,
Mr. Harold Stephen,	
Mr. Edmunds,	Mr. FitzGerald,
Mr. R. B. Wilkinson,	Mr. Cruickshank.
Mr. A'Beckett,	
Mr. Lee,	
Mr. W. E. Abbott,	
Mr. Alison,	
Mr. Dickens,	
Mr. Davis,	
Mr. Greene,	
Mr. Morton,	
Mr. Dawson,	

No. 2.

No. 2.

*Same clause.*Motion made (*Mr. Lakeman*) to omit from line 3 the words "if valid."Question put.—That the words proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 19.

Mr. McMillan,	Mr. A'Beckett,
Mr. Brunker,	Mr. Carruthers,
Mr. O'Connor,	Mr. Paul,
Mr. Mortou,	Mr. Woodward,
Mr. Lee,	Mr. Frank Farnell,
Mr. Davis,	Mr. Alison.
Mr. Cruickshank,	<i>Tellers,</i>
Mr. Bruce Smith,	Mr. Hawken,
Mr. Shepherd,	Mr. Teece.
Mr. Cooke,	
Mr. R. E. Wilkinson,	

Noes, 14.

Mr. Edmunds,	Mr. O'Sullivan,
Mr. W. E. Abbott,	Mr. Harold Stephen.
Mr. Hayes,	<i>Tellers,</i>
Mr. Jones,	Mr. Lakeman,
Mr. McRae,	Mr. O. O. Dangar.
Mr. Cass,	
Mr. Gormly,	
Mr. Barnes,	
Mr. Dawson,	
Mr. Mackinnon,	

Words stand.

And the clause having been amended as indicated.

Clause, as amended, agreed to.

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

THURSDAY, 13 JUNE, 1889.

No. 3.

SAME BILL.

Conditional purchases may be made in Eastern Division comprising 1,280 acres.

Clause 17.—Notwithstanding anything to the contrary in sections twenty-four or forty-two of the Principal Act, it shall be lawful for any person, after the commencement of this Act, to conditionally purchase in the Eastern Division, an area not exceeding "one thousand two hundred and eighty" acres; and whenever the holder of lands conditionally purchased "under the Repealed Acts" has exercised or shall exercise his right of making an additional conditional purchase under the Principal Act in any Division, the area of which, whether taken by one or more applications, together with that previously purchased under the said Acts, has exceeded or shall exceed six hundred and forty acres, such area shall not be held to have been or to be subject to the condition of any further term of residence than may have been required by the repealed Acts. (*Read.*)Motion made (*Mr. McCourt*) to omit from lines 3 and 4 the words "one thousand two hundred and eighty," with a view to insert the words "six hundred and forty."

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

Committee divided.

Ayes, 44.

Mr. Copland,	Mr. Alison,
Mr. Gould,	Mr. Barnes,
Mr. Brunker,	Mr. Dawson,
Mr. Sydney Smith,	Mr. Cass,
Mr. Wright,	Mr. Paul,
Mr. Burdekin,	Mr. Stokes,
Mr. Cruickshank,	Mr. Scobie,
Mr. Greene,	Mr. Hayes,
Mr. Crick,	Mr. Teece,
Mr. Lyne,	Mr. Ball,
Mr. Gormly,	Mr. Mackinnon,
Mr. Ritchie,	Mr. Barbour,
Mr. O'Connor,	Mr. W. E. Abbott,
Mr. Carruthers,	Mr. O. O. Dangar,
Mr. Willis,	Mr. Wall,
Mr. Jones,	Mr. Wyman Brown,
Mr. John Wilkinson,	Mr. Black,
Mr. O'Sullivan,	Mr. Haynes,
Mr. Torpy,	Mr. Holborow.
Mr. Abigail,	<i>Tellers,</i>
Mr. Gurvan,	Mr. H. H. Brown,
Mr. Edmunds,	Mr. Harold Stephen.
Mr. Lakeman,	

Noes, 24.

Mr. McRae,	Mr. Nicoll,
Dr. Ross,	<i>Tellers,</i>
Mr. McFarlane,	Mr. Walker,
Mr. Clarke,	Mr. Hassall,
Mr. Perry,	
Mr. Waddell,	
Mr. Dickens,	
Mr. Cooke,	
Mr. Hutchison	(<i>Canterbury</i>),
Mr. Stevenson,	
Mr. Turner,	
Mr. King,	
Mr. Lamb,	
Mr. Lces,	
Mr. A'Beckett,	
Mr. Plumb,	
Mr. Davis,	
Mr. Cullen,	
Mr. Reid,	
Mr. McCourt,	
Mr. Hutchison	(<i>Glen Innes</i>),

Words stand.

No. 4.

*Same clause.*Motion made (*Mr. Crick*) to omit from line 5 the words "under the repealed Acts," with a view to insert the words, "under the repealed Acts shall apply for an additional conditional purchase, which when taken with his conditional purchase or purchases of the same series shall exceed the area of six hundred and forty acres, such area over six hundred and forty acres shall be subject to the conditions of residence and improvements required by the principal or any amending Act, provided that such residence and improvements may be effected on any part of the said holding."

Question

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

Ayes, 27.

Mr. McMillan,
Mr. Carruthers,
Mr. Sydney Smith,
Mr. Brunker,
Mr. Bruce Smith,
Mr. Gould,
Mr. Greene,
Mr. Lyne,
Mr. Slattery,
Mr. J. P. Abbott,
Mr. Barbour,
Mr. Haynes,
Mr. Dawson,
Mr. Ball,
Mr. Scobie,
Mr. McCourt,
Mr. Cullen,
Mr. Lee,

Mr. Cooke,
Mr. Paul,
Mr. Teece,
Mr. Lamb,
Mr. Burdekin,
Mr. H. H. Brown,
Mr. O'Connor.
Tellers,
Mr. Holborow,
Mr. Harold Stephen.

Noes, 32.

Mr. Willis,
Mr. Hayes,
Mr. Crick,
Mr. Copland,
Mr. Dickens,
Mr. Gormly,
Mr. Wright,
Mr. Garvan,
Mr. Lakeman,
Mr. Torpy,
Mr. Edmunds,
Dr. Ross,
Mr. McRae,
Mr. Jones,
Mr. Nicoll,
Mr. Perry,
Mr. Reid,
Mr. Cruickshank,

Mr. O'Sullivan,
Mr. Alison,
Mr. Haasall,
Mr. Hutchison
(*Glen Innes*),
Mr. Plumb,
Mr. Garrard,
Mr. W. E. Abbott,
Mr. Hawken,
Mr. Barnes,
Mr. Stevenson,
Mr. Mackinnon,
Mr. A'Beckett.
Tellers,
Mr. O. O. Dangar,
Mr. Cass.

Words struck out.

No. 5.

Same clause.

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

Ayes, 28.

Mr. Willis,
Mr. Hayes,
Mr. Nicoll,
Mr. Wright,
Mr. Crick,
Mr. Hutchison
(*Glen Innes*),
Mr. Garvan,
Mr. Garrard,
Mr. Lakeman,
Mr. Hassall,
Mr. O'Sullivan,
Mr. Plumb,
Mr. Alison,
Mr. Barnes,
Mr. Cass,
Mr. Stevenson,

Mr. O. O. Dangar,
Mr. Mackinnon,
Mr. Gormly,
Mr. Dickens,
Mr. Reid,
Mr. Edmunds,
Mr. Torpy,
Mr. Perry,
Mr. Jones,
Dr. Ross,
Tellers,
Mr. Cruickshank,
Mr. A'Beckett,

Noes, 32.

Mr. McMillan,
Mr. O'Connor,
Mr. Slattery,
Mr. Bruce Smith,
Mr. Copland,
Mr. Lyne,
Mr. Sydney Smith,
Mr. Brunker,
Mr. Harold Stephen,
Mr. Gould,
Mr. Morton,
Mr. John Wilkinson,
Mr. Burdekin,
Mr. Paul,
Mr. Wilshire,
Mr. Carruthers,
Mr. J. P. Abbott,

Mr. McCourt,
Mr. Barbour,
Mr. Cullen,
Mr. Greene,
Mr. Haynes,
Mr. Lamb,
Mr. Holborow,
Mr. Teece,
Mr. Ball,
Mr. Hawken,
Mr. W. E. Abbott,
Mr. Scobie,
Mr. Cooke.
Tellers,
Mr. Dawson,
Mr. Lee.

Words proposed to be inserted, negatived.

And the remaining words of the clause having been, on motion of Mr. Brunker, omitted,—

No. 6.

(Same clause.)

Motion made (*Mr. Brunker*) that there be inserted, in place of the words omitted, the following words:—

"shall before the first day of June, one thousand eight hundred and eighty-nine, have applied for an additional conditional purchase in any division, the area of which, when taken with all conditional purchases of the same series, exceeds six hundred and forty acres, such area shall only be subject, and be held to have been subject, to the condition of residence required by the said Acts. But whenever, when, within six months after the day aforesaid, the holder of lands conditionally purchased under the said Acts shall have applied, or shall apply, for an additional conditional purchase in any division, the area of which, when taken with all conditional purchases of the same series, exceeds six hundred and forty acres, such area shall be subject, and be held to have been subject, to the same condition of residence as an original conditional purchase made after the commencement of this Act, unless before or at the confirmation of the application, or as soon as possible thereafter, the Land Board or the Land Court shall be satisfied that for the twelve months previous to the time of the application the applicant (or, in any case, within the provisions of the twentieth section of this Act, his mortgagor) has been continuously resident on a conditional purchase or lease of the same series. If the said Board or Court shall be so satisfied, the further term of residence shall not in any such case as last aforesaid be required in any division"—

which, having been amended as indicated,—

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

Ayes, 23.

Mr. Bruce Smith,
Mr. McMillan,
Mr. Paul,
Mr. Brunker,
Mr. Gould,
Mr. Greene,
Mr. Sydney Smith,
Mr. Morton,
Mr. Lyne,
Mr. King,
Mr. Haynes,
Mr. Wilshire,
Mr. O'Connor,

Mr. Mackinnon,
Mr. Scobie,
Mr. Lamb,
Mr. Ball,
Mr. Teece,
Mr. Mitchell,
Mr. Carruthers,
Mr. Lee,
Tellers,
Mr. Dawson,
Mr. Harold Stephen.

Noes, 25.

Mr. Garvan,
Mr. O'Sullivan,
Mr. Hutchison
(*Glen Innes*),
Mr. Copland,
Mr. Gormly,
Mr. Lakeman,
Mr. Cruickshank,
Mr. Crick,
Mr. Dickens,
Mr. McRae,
Mr. J. P. Abbott,
Mr. W. E. Abbott,
Mr. McCourt,

Mr. Cullen,
Mr. Plumb,
Mr. Stevenson,
Mr. Reid,
Mr. Barnes,
Mr. Jones,
Dr. Ross,
Mr. Torpy,
Mr. Edmunds,
Mr. A'Beckett.
Tellers,
Mr. Willis,
Mr. O. O. Dangar.

Words proposed to be inserted, negatived.

Clause,

Clause, as amended, negatived.

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

FRIDAY, 14 JUNE, 1889.

No. 7.

PARLIAMENTARY REPRESENTATIVES ALLOWANCE BILL.

Allowance to
Members of
Legislative
Assembly

Clause 2.—Every Member of “the” Legislative Assembly now serving or hereafter to serve therein shall, unless he is one of the persons specified or referred to in the next following section, be entitled to receive, by way of reimbursement for expenses incurred by him in the discharge of his Parliamentary duties, an allowance at the rate of three hundred pounds per annum; which allowance shall be charged on the Consolidated Revenue Fund, and be payable to every Member of this present Parliament **Legislative Assembly** now serving, from the commencement of the present Session, and to every Member hereafter elected, from the time of his taking his seat, and in every case, until he shall resign, or vacate his seat, or until Parliament shall be dissolved, or shall expire by effluxion of time. (*Read.*)

Motion made (*Mr. W. E. Abbott*) omit from line 1 the word “the” with a view to insert “every future”

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

Ayes, 41.

Mr. O'Connor,
Mr. Sydney Smith,
Mr. Paul,
Mr. Perry,
Mr. Hutchison
(Glen Innes),
Mr. Gormly,
Mr. Slattery,
Mr. Barnes,
Mr. Tonkin,
Mr. Lakeman,
Mr. J. P. Abbott,
Mr. Garvan,
Mr. Morton,
Mr. Scobie,
Mr. Copland,
Mr. Jones,
Mr. Greene,
Mr. Nicol,
Mr. Torpy,
Mr. Haynes,
Mr. Plumb,

Mr. T. G. Dangar,
Mr. Cass,
Mr. O. O. Dangar,
Mr. Cruickshank,
Mr. Willis,
Mr. Barbour,
Mr. Stevenson,
Mr. Dawson,
Mr. Wall,
Mr. Teece,
Mr. O'Sullivan,
Mr. Dickens,
Mr. Abigail,
Mr. Cooke,
Mr. Clubb,
Mr. Crick,
Mr. Creer,
Mr. Wright.
Tellers,
Mr. Hassall,
Mr. Harold Stephen.

Noes, 14.

Mr. Gould,
Mr. Brunker,
Mr. Kidd,
Mr. Bruce Smith,
Mr. W. E. Abbott,
Mr. Reid,
Mr. Edmunds,
Mr. Wilshire,
Mr. Wheeler,
Mr. Lees,
Mr. King,
Mr. Chapman.

Tellers,
Mr. Fuller,
Mr. Lamb.

Word stands.

And the Clause having been amended as indicated,

Clause, as amended, agreed to.

On motion of Mr. O'Connor the Chairman left the Chair to report the Bill with amendments.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 18 JUNE, 1889.

No. 1.

CROWN LANDS BILL.

Clause 18. Notwithstanding anything to the contrary in section twenty-four or forty-two of the Principal Act, it shall be lawful for the Governor, subject to the general provisions of that section twenty-four as aforesaid, to proclaim, and set apart, from time to time, special "areas," in which it shall be lawful to conditionally purchase such areas as may be notified in the proclamation, not exceeding one thousand two hundred and eighty three hundred and twenty acres in the Eastern, or two thousand five hundred and sixty six hundred and forty acres in the Central or Western Division. It shall also be lawful for the Governor, by notification in the *Government Gazette*, to proclaim and set apart as special areas any lands within the suburban or population boundaries or population areas of any cities, towns, or villages, and such lands (without cancellation or revocation of such boundaries or areas) shall, notwithstanding anything to the contrary in the Principal Act, be open to conditional purchase on or after such dates, and in such areas, and subject to the payment of such deposits, and such instalments, and subject to the fulfilment of such conditions as to "residence," improvements, fencing, or otherwise, as may be specified in the proclamation. Any conditions so set forth shall have the force of law, and any breach thereof shall render the conditional purchase liable to forfeiture in accordance with this Act or the Principal Act. The Governor may at any time by notification in the *Gazette* revoke or modify any proclamation, before or after the commencement of this Act, of any special area, or of any conditions applicable thereto. Before any special areas are declared to be open for conditional purchase, the same shall be surveyed and shall be taken as surveyed. (Read.)

And the clause having been amended, as indicated in lines 1 and 3.

Motion made (*Mr. Alison*) to insert after the word "areas" in line 4 the words,—“(not being within pastoral or homestead leases)”

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

Committee divided.

Ayes, 11.

Mr. Alexander Brown,
Mr. Cruickshank,
Mr. A'Beckett,
Mr. J. P. Abbott,
Mr. Dickens,
Mr. Lamb,
Mr. Willis,
Mr. Lyne,
Mr. Hawken.

Tellers.

Mr. Alison,
Mr. Cass.

Noes, 47.

Sir Henry Parkes,
Mr. Frank Farnell,
Mr. Brunker,
Mr. Fletcher,
Mr. Garvan,
Mr. Hayes,
Mr. Gould,
Mr. Gormly,
Mr. Copland,
Mr. McMillan,
Mr. Sydney Smith,
Mr. Abigail,
Mr. Playfair,
Mr. Tonkin,
Mr. Creer,
Mr. Clarke,
Mr. Nicoll,
Mr. Barbour,
Mr. McRae,
Mr. Torpy,
Mr. Crick,
Mr. Barnes,
Mr. Perry,
Mr. McFarlane,
Mr. Colls,

Mr. Dowel,
Mr. Burns,
Mr. Martin,
Mr. William Stephen,
Mr. Garrard,
Mr. Wilshire,
Mr. Clubb,
Mr. Callen,
Mr. Dawson,
Mr. Harold Stephen,
Mr. Chapman,
Mr. Stevenson,
Mr. Teccc,
Mr. Joseph Abbott,
Mr. Scobie,
Mr. W. E. Abbott,
Mr. Shepherd,
Mr. Cooke,
Mr. Waddell,
Mr. Roberts.

Tellers.

Mr. Plumb,
Mr. Frank Smith.

Insertion of words proposed negatived,

389—

And

And the clause having been further amended as indicated in lines 6 and 7.

No. 2.

Same clause.

Motion made (*Mr. O. O. Dangar*) to omit from line 14 the word "residence." Question put,—That the word proposed to be omitted stand part of the clause.

Committee divided.

Ayes, 40.

Mr. McMillan,
Mr. Brunker,
Mr. Bruce Smith,
Mr. A'Beckett,
Mr. Reid,
Mr. Sydney Smith,
Mr. Alison,
Mr. Garvan,
Mr. Gould,
Mr. Cruickshank,
Mr. Crick,
Mr. Edmunds,
Mr. Playfair,
Mr. Tonkin,
Mr. Teece,
Mr. Hutchison
(Canterbury),
Mr. Holborow,
Mr. Wilshire,
Mr. Scobie,
Mr. Willis,
Mr. Nicoll,
Mr. Copland,

Mr. W. E. Abbott,
Mr. Dickens,
Mr. Stevenson,
Mr. Stokes,
Mr. Cooke,
Mr. Haynes,
Mr. Ball,
Mr. Torpy,
Mr. Lamb,
Mr. O'Connor,
Mr. Barbour,
Mr. Plumbe,
Mr. Lees,
Mr. Abigail,
Mr. Gormly,
Mr. Barnes,
Tellers,
Mr. Hawken,
Mr. Paul.

Noes, 11.

Mr. Dawson,
Mr. Harold Stephen,
Mr. Perry,
Mr. O. O. Dangar,
Mr. Dowd,
Mr. Shepherd,
Mr. Bowman,
Mr. J. P. Abbott,
Mr. Ryrie,
Tellers,
Mr. Creer,
Mr. Hassall.

Word stands.

No. 3.

Same clause.

Motion made (*Mr. J. P. Abbott*) to add to the end of the clause the words, "Before any special areas are declared to be open for conditional purchase the same shall be surveyed, and shall be taken as surveyed."

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

Committee divided.

Ayes, 42.

Mr. O'Connor,
Mr. Stevenson,
Mr. Teece,
Mr. Ball,
Mr. Lamb,
Mr. Scobie,
Mr. Wilshire,
Mr. Hutchison
(Canterbury),
Mr. Nicoll,
Mr. Cooke,
Mr. W. E. Abbott,
Mr. Hayes,
Mr. Torpy,
Mr. Dickens,
Mr. Davis,
Mr. Alison,
Mr. Reid,
Mr. Brunker,
Mr. A'Beckett,
Mr. Bruce Smith,
Mr. Gould,
Mr. Paul,

Mr. Tonkin,
Mr. Crick,
Mr. McMillan,
Mr. Creer,
Mr. Copland,
Mr. Bowman,
Mr. J. P. Abbott,
Mr. Plumbe,
Mr. Harold Stephen,
Mr. Dawson,
Mr. Haynes,
Mr. Shepherd,
Mr. Ryrie,
Mr. Barnes,
Mr. Gormly,
Mr. Garvan,
Mr. Cass,
Mr. Hassall.
Tellers,
Mr. Cruickshank,
Mr. Edmunds.

Noes, 5.

Mr. Barbour,
Mr. Torpy,
Mr. O. O. Dangar,
Tellers,
Mr. O'Sullivan,
Mr. Willis.

Words added.

Clause, as amended, agreed to.

And the Committee continuing to sit after midnight,—

WEDNESDAY, 19 JUNE, 1889, A.M.

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

WEDNESDAY, 19 JUNE, 1889.

No. 4.

SAME BILL.

Clause 24.—The holder of any conditional lease under the forty-eighth, fifty-second, or fifty-fourth section of the Principal Act, in respect of which no forfeiture shall have been incurred, may at any time apply for the whole or part of the land comprised under such lease as an additional conditional purchase or purchases, subject to all the provisions of that the Principal Act as amended by and this Act as to the making of applications, available land area, deposits, measurement, and all other conditions applicable to ordinary additional conditional "purchases" other than the condition of residence (except that nothing in the Principal

Conversion of
conditional
leases into addi-
tional condi-
tional purchases.

Principal Act shall be held to render any such additional conditional purchase invalid by reason only that the land may be situated in the Western Division); provided that the land so purchased shall not, with any conditional purchases of the same series, exceed one thousand two hundred and eighty acres in the Eastern, or two thousand five hundred and sixty acres in the Central or Western "Division": And in all such cases the remaining area of such conditional lease may be held at a proportionate part of the rental thereof, although such lease may, when taken with the land conditionally purchased, exceed one thousand two hundred and eighty acres in the Eastern, and two thousand five hundred and sixty acres in the Central or Western Division. A refund of the rental shall not be granted, until after confirmation of the application for the additional conditional purchase, but when granted, shall be calculated from the date of such application. Notwithstanding anything to the contrary in the Principal Act, no condition of residence shall be held to have attached or to attach to any land conditionally leased under sections forty-eight, fifty-two, or fifty-four of that Act; and, subject to payment of rent and fulfilment of any prescribed conditions, all conditional leases shall have a term of ~~ten~~ fifteen years from the respective dates of their commencement. (*Further considered.*)

And the clause having been amended as indicated in lines 1 to 5,—

Motion made (*Mr. Brunker*) to insert after the word "purchases," in line 7, the words "other than the condition of residence."

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

Committee divided:

Ayes, 59.

Mr. Bruce Smith,	Mr. Gormly,
Mr. Brunker,	Mr. Hassall,
Mr. W. E. Abbott,	Mr. O. O. Dangar,
Mr. Carruthers,	Mr. Stevenson,
Mr. Sydney Smith,	Mr. Hutchison
Mr. Mitchell,	(<i>Canterbury</i>),
Mr. Gould,	Mr. McFarlane,
Mr. Copland,	Mr. Colls,
Mr. Torpy,	Mr. Waddell,
Mr. Paul,	Mr. Dowel,
Mr. William Stephen,	Mr. Cooke,
Mr. Martin,	Mr. Wyman Brown,
Mr. H. H. Brown,	Mr. Stokes,
Mr. Teece,	Mr. Davis,
Mr. Inglis,	Mr. Clarke,
Mr. Shepherd,	Mr. Garvan,
Mr. Nicoll,	Mr. Barbour,
Mr. Bowman,	Mr. Lee,
Mr. Joseph Abbott,	Mr. Dickens,
Mr. Scobie,	Mr. Hawken,
Mr. Hurley,	Mr. Garrard,
Mr. Lamb,	Mr. T. G. Dangar,
Mr. Alison,	Mr. Harold Stephen,
Mr. McCourt,	Mr. Holborow,
Mr. Perry,	Mr. Ball,
Mr. Abigail,	Mr. Willis,
Mr. J. P. Abbott,	Mr. Dawson.
Mr. Plumb,	<i>Tellers,</i>
Mr. Morton,	Mr. Thompson,
Mr. Barnes,	Mr. Lakeman.
Mr. Cass,	

Noes, 13.

Mr. Edmunds,	Mr. O'Sullivan,
Mr. Hayes,	Mr. Jones,
Mr. Chanter,	Mr. Traill,
Mr. Trail,	Mr. Wright,
Mr. Wright,	Mr. Cruickshank,
Mr. Cruickshank,	Mr. A'Beckett,
Mr. A'Beckett,	Mr. McRae,
Mr. McRae,	Dr. Ross.
<i>Tellers,</i>	
Mr. Creer,	
Mr. Tonkin.	

Words inserted.

No. 5.

Same clause.

Motion made (*Mr. Hayes*) to insert after the word "Division," in line 12, the words "The right to so purchase shall not be granted for more than two leases held by the same owner under the 52nd section of the Principal Act."

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

Committee divided.

Ayes, 28.

Dr. Ross,	Mr. McCourt,
Mr. Tonkin,	Mr. Jones,
Mr. Wright,	Mr. Barbour.
Mr. Thompson,	<i>Tellers,</i>
Mr. Mitchell,	Mr. Plumb,
Mr. Chanter,	Mr. O'Sullivan.
Mr. Cruickshank,	
Mr. Hayes,	
Mr. Creer,	
Mr. McRae,	
Mr. Edmunds,	
Mr. Wyman Brown,	
Mr. Gormly,	
Mr. Barnes,	
Mr. Colls,	
Mr. Hassall,	
Mr. Garvan,	
Mr. Stokes,	
Mr. Joseph Abbott,	
Mr. A'Beckett,	
Mr. Stevenson,	
Mr. Shepherd,	
Mr. Traill,	

Noes, 42.

Mr. Sydney Smith,	Mr. W. E. Abbott,
Mr. Brunker,	Mr. Cass,
Mr. Davis,	Mr. Cooke,
Mr. Gould,	Mr. Dawson,
Mr. Paul,	Mr. Harold Stephen,
Mr. Bruce Smith,	Mr. Waddell,
Mr. Carruthers,	Mr. H. H. Brown,
Mr. Abigail,	Mr. Bowman,
Mr. Lakeman,	Mr. Clarke,
Mr. Inglis,	Mr. Hutchison
Mr. Willis,	(<i>Canterbury</i>),
Mr. Dowel,	Mr. O. O. Dangar,
Mr. Nicoll,	Mr. Teece,
Mr. Torpy,	Mr. Lamb,
Mr. Scobie,	Mr. Hawkins,
Mr. Perry,	Mr. T. G. Dangar,
Mr. McFarlane,	Mr. Holborow,
Mr. Lee,	Mr. Ball,
Mr. Garrard,	<i>Tellers,</i>
Mr. Martin,	Mr. William Stephen,
Mr. J. P. Abbott,	Mr. Dickens,
Mr. Morton,	
Mr. Alison,	

Insertion of words proposed negatived.

No. 6.

No. 6.

(Same clause.)

Motion made (*Mr. Hassall*) to omit from the last line but one of the clause, the word "ten" and insert the word "fifteen."

And the word "ten" having been omitted,—

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

Committee divided.

Ayes, 58.

Sir Henry Parkes,	Mr. Gormly,
Mr. Brunker,	Mr. Wright,
Mr. Carruthers,	Mr. T. G. Dangar,
Mr. Sydney Smith,	Mr. J. P. Abbott,
Mr. Gould,	Mr. Hurley,
Mr. Cruickshank,	Mr. Lynch,
Mr. Tonkin,	Mr. O. O. Dangar,
Mr. Paul,	Mr. Clubb,
Mr. Mitchell,	Mr. Barnes,
Mr. Plumb,	Mr. Edmunds,
Mr. Thompson,	Mr. Davis,
Mr. A'Beckett,	Mr. Stevenson,
Dr. Ross,	Mr. Stokes,
Mr. O'Sullivan,	Mr. Clarke,
Mr. Lee,	Mr. Dawson,
Mr. Barbour,	Mr. Inglis,
Mr. Teece,	Mr. Haynes,
Mr. Scobie,	Mr. Harold Stephen,
Mr. Perry,	Mr. Ryrie,
Mr. Torpy,	Mr. Hassall,
Mr. Jones,	Mr. Ball,
Mr. Crick,	Mr. Hawkins,
Mr. McCourt,	Mr. Willis,
Mr. William Stephen,	Mr. Holborow,
Mr. Hayes,	Mr. Cass,
Mr. Shepherd,	Mr. Morton.
Mr. Alison,	Tellers,
Mr. Copland,	Mr. R. B. Wilkinson,
Mr. Lakeman,	Mr. Dickens.
Mr. W. E. Abbott,	

Noes, 4.

Mr. Chanter,
Mr. Garrard,
Tellers,
Mr. McRae,
Mr. Traill.

Word inserted.

Clause as amended agreed to.

No. 7.

SAME BILL.

Conditional lease
may be applied
for exceeding
three times the
area of the
conditionally
purchased land.

Clause 25. Any applicant for, or holder of, land conditionally purchased under the Principal Act (not being under section forty-seven thereof) may obtain a conditional lease, or additional conditional leases, to comprise an "area" exceeding three times the area of such land, provided that the total area of land conditionally purchased and conditionally leased shall not exceed one thousand two hundred and eighty acres in the Eastern, "and two thousand five hundred and sixty acres in the Central" Division. In estimating the area which may be leased in accordance with this section, conditionally purchased or conditionally leased, all conditional purchases of the same series, and all land held by conditional lease under sections forty-eight, fifty-two, or fifty-four of that Act, by virtue of such conditional purchases, shall be included, and the land which may be leased shall adjoin the land so conditionally purchased or conditionally leased. With any application for a conditional lease after the commencement of this Act a deposit of twopence per acre of the area applied for shall be paid to the Land Agent. Applications for conditional leases or additional conditional leases under this Act shall be made in the prescribed manner, and shall be dealt with as if the same had been made under the forty-eighth section of the Principal Act, and any conditional lease granted in pursuance thereof shall be deemed to have been granted under the said section, and the provisions of that Act shall, unless otherwise provided in this Act, apply to conditional leases granted after the commencement of this Act. All conditional purchases of the same series, and all conditional leases granted in virtue thereof, shall, for all purposes of residence, fencing, or improvement, be deemed to be one holding. Provided that in all cases where the conditional or additional conditional lease shall exceed three times the area of the conditional purchase by virtue of which such conditional or additional conditional lease shall have been applied for, the applicant shall fulfil the condition of residence prescribed in the original Act in respect of an original conditional purchase. (Read.)

Motion made (*Mr. Hayes*) to insert after the word "area," in line 3, the word "not."

And the Committee continuing to sit after midnight,—

THURSDAY, 20 JUNE, 1889 A.M.

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

Ayes, 18.

Mr. J. P. Abbott,	Tellers,
Mr. Lee,	
Mr. McRae,	Mr. Copland,
Mr. Hayes,	Mr. W. E. Abbott.
Mr. Thompson,	
Mr. Wilshire,	
Mr. A'Beckett,	
Mr. Cullen,	
Dr. Ross,	
Mr. Frank Farnell,	
Mr. Davis,	
Mr. Dickens,	
Mr. Alison,	
Mr. Hassall,	
Mr. Gormly,	
Mr. Barnes.	

Noes, 30.

Mr. Carruthers,	Mr. Morton,
Mr. Bruncker,	Mr. Nobbs,
Mr. Gould,	Mr. T. G. Dangar,
Mr. Sydney Smith,	Mr. Lakeman,
Mr. Crick,	Mr. Dawson,
Mr. Ryrie,	Mr. Harold Stephen,
Mr. O'Sullivan,	Mr. O. O. Dangar,
Mr. Chanter,	Mr. Ball,
Mr. McMillan,	Mr. Bowman,
Mr. Fuller,	Mr. Stevenson,
Mr. Edmunds,	Mr. Teece,
Mr. Jones,	Mr. Cooke.
Mr. Barbour,	Tellers,
Mr. Cruickshank,	Mr. Torpy,
Mr. Shepherd	Mr. Paul.
Mr. Willis	

Insertion of word proposed negatived.

No. 8.

Same clause.

Motion made (*Mr. Hassall*) to omit from lines 5 and 6 the words "and two thousand five hundred and sixty acres in the Central."

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

Ayes, 36.

Mr. J. P. Abbott,	Mr. Teece,
Mr. Lee,	Mr. Lakeman,
Mr. Bruncker,	Mr. Dawson,
Mr. Sydney Smith,	Mr. Harold Stephen,
Mr. Gould,	Mr. Stevenson,
Mr. McMillan,	Mr. Nobbs,
Mr. Paul,	Mr. Chanter,
Mr. Crick,	Mr. Cruickshank,
Mr. Copland,	Mr. Barnes,
Mr. O. O. Dangar,	Mr. Gormly,
Mr. Jones,	Mr. Morton,
Mr. Carruthers,	Mr. Davis,
Mr. Bowman,	Mr. T. G. Dangar,
Mr. Barbour,	Mr. O'Sullivan,
Dr. Ross,	Tellers.
Mr. Willis,	Mr. Cullen,
Mr. Torpy,	Mr. Cooke.
Mr. Fuller,	
Mr. Edmunds,	
Mr. Ball,	

Noes, 10.

Mr. W. E. Abbott,	Mr. W. E. Abbott,
Mr. Dickens,	Mr. Dickens,
Mr. McRae,	Mr. McRae,
Mr. Hassall,	Mr. Hassall,
Mr. Alison,	Mr. Alison,
Mr. A'Beckett,	Mr. A'Beckett,
Mr. Ryrie,	Mr. Ryrie,
Mr. Frank Farnell,	Mr. Frank Farnell,
Tellers.	Tellers.
Mr. Thompson,	Mr. Thompson,
Mr. R. B. Wilkinson.	Mr. R. B. Wilkinson.

Words stand.

And the clause having been amended as indicated.

No. 9.

Same clause.

Question put,—That the clause as amended, stand clause 25 of the Bill.
Committee divided.

Ayes, 27.

Mr. Gould,	Mr. Barbour,
Mr. Bruncker,	Mr. Nobbs,
Mr. Sydney Smith,	Mr. Ball,
Mr. McMillan,	Mr. Stevenson,
Mr. Jones,	Mr. T. G. Dangar,
Mr. Copland,	Mr. Dawson,
Mr. Paul,	Mr. O. O. Dangar,
Mr. Morton,	Mr. Willis,
Mr. Carruthers,	Mr. Crick,
Mr. O'Sullivan,	Mr. Lakeman,
Mr. Teece,	Tellers.
Mr. Bowman,	Mr. Harold Stephen,
Mr. Torpy,	Mr. Edmunds.
Mr. Cooke,	
Mr. Fuller,	

Noes, 19.

Dr. Ross,	Mr. Davis.
Mr. Gormly,	Mr. Dickens,
Mr. Chanter,	Tellers.
Mr. Ryrie,	
Mr. R. B. Wilkinson,	Mr. Frank Farnell,
Mr. McRae,	Mr. Cruickshank.
Mr. Thompson,	
Mr. Alison,	
Mr. Lee,	
Mr. W. E. Abbott,	
Mr. Barnes,	
Mr. Hassall,	
Mr. A'Beckett,	
Mr. J. P. Abbott,	
Mr. Cullen,	

Clause, as amended, agreed to.

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

THURSDAY,

THURSDAY, 20 JUNE, 1889.

No. 10.

SAME BILL.

Rents of leases to
be subject to
reappraisement.Extension of
term of leases in
the Western
Division.

Clause 28. All leases granted after the commencement of this Act shall be granted subject to the provisions hereof as amending the Principal Act. The holder of any pastoral or "homestead" or conditional lease granted before the commencement of this Act "(other than of a pastoral lease in the Eastern Division)" may bring his lease under the provisions hereof by making an application to the Minister within ninety days of such commencement. If no such application be made the lease shall continue to be dealt with as regards the rent thereof as if this Act had not been passed. Subject to application as aforesaid, and to the due fulfilment of any conditions attaching thereto leases in the Western Division, whether pastoral or homestead, shall be for terms of twenty-one years without any right of extension; such term being, in the case of a lease granted before the commencement of this Act, computed from the end of that year of the lease which may be current at the commencement of this Act; and in the case of a lease granted after the commencement of this Act, from the commencement of the lease. The term of twenty-one years shall in either case be divided into three periods each of seven years. The terms of pastoral leases in the Central and Eastern Divisions, save as hereinafter provided, shall not be affected or altered by this Act. The determination of the rent for any of the leases hereinbefore referred to, and for conditional leases, shall be subject to the following provisions:—

- (a) In the case of a pastoral or homestead lease in the Western Division, the rent shall be separately determined or redetermined for each seven-year period of such lease.
- (b) In the case of a pastoral lease in the Central Division, so much of the first period thereto as, after the end of that year of the lease which may be current at the commencement of this Act, may then remain to run, shall for the purposes of this Act be joined with the second period thereof, and the rent shall be redetermined for such combined period.
- (c) In the case of a conditional lease granted after the commencement of this Act, the rent shall be determined for the whole term of the lease.

Provided always that nothing hereinbefore contained shall be construed to permit the redetermination of any rent which, under the provisions of the Principal Act, shall become or shall have become due for such part of a term as may precede or have preceded the end of that year of the lease which may be current at the commencement of this Act. And further provided that, pending determination or redetermination, the lessee shall in every case continue to pay the provisional or the previous rent; but when such determination shall have been made he shall be entitled to a refund of any sums paid in excess, or shall pay within the prescribed time any difference due to the Crown between the provisional or previous rent and the rent as determined or redetermined. (*Read.*)

Motion made (*Mr. Hassall*) to insert after the word "homestead" in line 3, the words "or conditional."

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

Committee divided.

Ayes, 52.

Mr. Crick,
Mr. Slattery,
Mr. Jones,
Mr. Wright,
Mr. Chantler,
Mr. Garvan,
Mr. Davis,
Mr. Lakeman,
Mr. McCourt,
Mr. Hassall,
Mr. R. B. Wilkinson,
Mr. J. P. Abbott,
Mr. H. H. Brown,
Mr. Alison,
Mr. Plumb,
Mr. A'Beckett,
Mr. Joseph Abbott,
Mr. Dowel,
Mr. O'Sullivan,
Mr. W. E. Abbott,
Mr. Clarke,
Mr. Ewing,
Mr. Hogan,
Mr. Stokes,
Mr. Wyman Brown,
Mr. Barnes,
Mr. Mackinnon,

Mr. Waddell,
Mr. Garrard,
Mr. Frank Smith,
Mr. Clubb,
Mr. Cruickshank,
Mr. Lee,
Mr. Copland,
Mr. Nicoll,
Mr. Gormly,
Mr. Lamb,
Mr. Teece,
Mr. Inglis,
Mr. Black,
Dr. Ross,
Mr. Hayes,
Mr. Dickens,
Mr. Stevenson,
Mr. Barbour,
Mr. McRae,
Mr. T. G. Dangar,
Mr. Torpy,
Mr. Holborow,
Mr. Ball,
Tellers,
Mr. Willis,
Mr. Perry.

Noes, 15.

Mr. Bruce Smith,
Mr. Brunker,
Mr. Gould,
Mr. Sydney Smith,
Mr. McMillan,
Mr. O'Connor,
Mr. Carruthers,
Mr. Molesworth,
Mr. Paul,
Mr. Dawson,
Mr. Harold Stephen,
Mr. Tonkin,
Mr. Garrett,
Tellers,
Mr. Cullen,
Mr. Haynes.

Words inserted.

No. 11.

Same Clause.

Motion made (*Mr. Lee*) to omit from lines 3 and 4, the words " (other than of a pastoral lease in the Eastern Division)."

And the Committee continuing to sit after midnight,—

FRIDAY, 21 JUNE, 1889, A.M.

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

Ayes, 43.

Mr. Brunker,	Mr. Stokes,
Mr. Gould,	Mr. O'Sullivan,
Mr. McMillan,	Mr. Barnes,
Mr. O'Connor,	Mr. Lakeman,
Mr. Wright,	Mr. Stevenson,
Mr. Carruthers,	Mr. Lyne,
Mr. Creer,	Mr. Cruickshank,
Mr. Traill,	Mr. Paul,
Mr. Colls,	Mr. Lees,
Mr. Dowel,	Mr. McRae,
Mr. Garrett,	Mr. Tonkin,
Dr. Ross,	Mr. MacKinnon,
Mr. Hutchison <i>(Canterbury),</i>	Mr. Hawken,
Mr. Gormly,	Mr. Tecce,
Mr. Hayes,	Mr. Ball,
Mr. Jones,	Mr. Fuller,
Mr. Nicoll,	Mr. Dawson,
Mr. Chanter,	Mr. Mitchell,
Mr. Howe,	Mr. Harold Stephen.
Mr. Copland,	<i>Tellers,</i>
Mr. Hurley,	Mr. Willis,
Mr. Torpy,	Mr. Morton.

Noes, 15.

Mr. Reid,	Mr. R. B. Wilkinson,
Mr. Slattery,	Mr. Ryrie,
Mr. Lamb,	Mr. Lee,
Mr. Inglis,	Mr. Molesworth,
Mr. Dickens,	Mr. Alison,
Mr. King.	Mr. Joseph Abbott,
	Mr. A'Beckett,
	Mr. King.
<i>Tellers,</i>	Mr. H. H. Brown,
	Mr. Waddell.

Words stand.

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

[6d.]

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 6.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 26 JUNE, 1889.

No. 1.

CROWN LANDS BILL.

Clause 28. All leases granted after the commencement of this Act shall be granted subject to the provisions hereof as amending the Principal Act. The holder of any pastoral or homestead or conditional lease granted before the commencement of this Act (other than of a pastoral lease in the Eastern Division) may bring his lease under the provisions hereof by making an application to the Minister within ninety days of such commencement. If no such application be made the lease shall continue to be dealt with as regards the rent thereof "and the term thereof shall, except in the case of conditional leases, remain" as if this Act had not been passed. Subject to application as aforesaid, and to the due fulfilment of any conditions attaching thereto "pastoral or homestead" leases in the Western Division, whether pastoral or homestead, shall be for terms of twenty-one years without any right of extension; such term being, in the case of a lease granted before the commencement of this Act, computed from the end of that year of the lease which may be current at the commencement of this Act; and in the case of a lease granted after the commencement of this Act, from the commencement of the lease. The term of twenty-one years shall in either case be divided into three periods each of seven years. The terms of pastoral leases in the "Central" and Eastern divisions, save as hereinafter provided, shall not be affected or altered by this Act. The determination of the rent for any of the leases hereinbefore referred to, and for conditional leases, shall be subject to the following provisions:—

- (a) Subject to the provisions of section 81 of the Principal Act the Minister shall direct upon application in the prescribed manner within three months from the passing of this Act by the licensee of any resumed area in the Western Division that a reappraisal shall be made of the same and in the case of a pastoral or homestead lease in the Western Division, the rent shall be separately determined or redetermined for each seven-year period of such lease.
- (b) In the case of a pastoral lease in the Central Division, so much of the first period thereof as, after the end of that year of the lease which may be current at the commencement of this Act, may then remain to run, shall for the purposes of this Act, be joined with the second period thereof, and the rent shall be redetermined for such combined period.

(c)

(e) In the case of a conditional lease granted after the commencement of this Act, the rent shall be determined for the whole term of the lease "And in the case of a conditional lease granted before the commencement of this Act, and brought under the provisions of this section, the rent shall be determined for such part of the term of the lease as may remain to run after the end of the year of the lease current at the commencement of this Act."

Provided always that nothing hereinbefore contained shall be construed to permit the redetermination of any rent which, under the provisions of the Principal Act shall become or shall have become due for such part of a term as may precede or have preceded the end of that year of the lease which may be current at the commencement of this Act. And further provided that, pending determination or redetermination, the lessee shall in every case continue to pay the provisional or the previous rent; but when such determination shall have been made he shall be entitled to a refund of any sums paid in excess, or shall pay within the prescribed time any difference due to the Crown between the provisional or previous rent and the rent as determined or redetermined; and upon the application of any Homestead or any Pastoral tenant the Minister shall cause to be issued to him a lease for the land held by him, which lease shall be in the form prescribed and shall be subject to a fee of twenty shillings." (Further considered.)

And the clause having been further amended as indicated in lines 7, 8, 9 and 10.

Motion made (*Mr. Hassall*) to insert after the word "Central," in line 16, the words "Division shall be for a period of fifteen years, to be computed from the commencement of the existing lease."

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

Committee divided.

Ayes, 16.

Mr. Ryrie,
Mr. Lyne,
Mr. Copeland,
Mr. Grahame,
Mr. Lee,
Mr. Waddell,
Mr. Lamb,
Mr. Alexander Brown,
Mr. H. H. Brown,
Mr. Davis,
Mr. R. B. Wilkinson,
Mr. Dickens,
Mr. Kidd,
Mr. Ferguson.

Tellers.

Mr. Alison,
Mr. Hassall.

Nos, 60.

Mr. Chanter,
Mr. Wright,
Mr. Hutchison
(Glen Innes),
Mr. Brunker,
Mr. O'Connor,
Mr. Crick,
Mr. Willis,
Mr. O'Sullivan,
Mr. McRae,
Mr. Slattery,
Mr. Thompson,
Dr. Ross,
Mr. Fitzgerald,
Mr. Hawthorne,
Mr. Edmunds,
Mr. Gould,
Mr. Wilshire,
Mr. W. E. Abbott,
Mr. J. P. Abbott,
Mr. Paul,
Mr. Barbour,
Mr. Hayes,
Mr. Mitchell,
Mr. Colls,
Mr. Fuller,
Mr. Gormly,
Mr. McMillan,
Mr. Harold Stephen,
Mr. William Stephen,
Mr. Nicoll,
Mr. Perry,

Tellers.

Mr. Ewing,
Mr. Carruthers,
Mr. Stevenson,
Mr. Scobie,
Mr. Street,
Mr. Gough,
Mr. Stokes,
Mr. Ball,
Mr. Teece,
Mr. Barnes,
Mr. Copland,
Mr. Jones,
Mr. Levien,
Mr. Cass,
Mr. Inglis,
Mr. Morton,
Mr. Plumb,
Mr. Ritchie,
Mr. Haynes,
Mr. Woodward,
Mr. Dale,
Mr. Holborow,
Mr. Turner,
Mr. Hawken,
Mr. Dawson,
Mr. Traill,
Mr. Greene,

Mr. Cullen,
Mr. Dowel.

Insertion of words proposed negatived.

And the Committee continuing to sit after Midnight,—

THURSDAY, 27 JUNE, 1889, A.M.

No. 2.

Same clause.

It having been proposed, on motion of Mr. J. P. Abbott, to insert before the first word of subsection (a) the words, "Subject to the provisions of section eighty-one of the Principal Act, the Minister shall direct, upon application in the prescribed manner within three months from the passing of this Act by the licensee of any resumed area in 'the' Western Division, that a reappraisement shall be made of the same, and."

Motion made (*Mr. Alison*) to amend the proposed amendment by inserting after the word "the," in line 3, the words "Central and."

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

Committee

Committee divided.

Ayes, 25.

Mr. Gough,	Mr. Barnes,
Mr. Traill,	Mr. Ryrie,
Mr. Copeland,	Mr. Lakeman,
Mr. Slattery,	Mr. H. H. Brown,
Mr. E. B. Wilkinson,	Mr. Dawson,
Mr. Davis,	Mr. Harold Stephen,
Mr. A'Beckett,	Mr. W. E. Abbott,
Mr. Gormly,	Tellers.
Mr. Dickens,	
Mr. O'Sullivan,	Mr. Crick,
Mr. Lee,	Mr. Alison.
Mr. Lamb,	
Mr. Copland,	
Mr. Plumb,	
Mr. Cass,	
Mr. Greene,	

Noes, 28.

Mr. Ferguson,	Mr. Ball,
Mr. Jones,	Mr. Woodward,
Mr. Gould,	Mr. Hawken,
Mr. Levien,	Mr. Haynes,
Mr. McMillan,	Mr. Scobie,
Mr. Brunker,	Mr. Chanter,
Mr. Paul,	Mr. Willis,
Mr. Carruthers,	Mr. Mitchell,
Mr. Dowel,	Dr. Ross,
Mr. Thomson,	Mr. FitzGerald.
Mr. Colls,	Tellers,
Mr. Stevenson,	
Mr. Nobbs,	Mr. Hutchison
Mr. McRae,	(<i>Glen Innes</i>),
Mr. Morton,	Mr. Barbour.
Mr. Teece,	

Insertion (in the proposed amendment) of words proposed negatived.

And the words proposed to be inserted in the clause having been inserted,—

No. 3.

Same clause.

Motion made (*Mr. Copeland*) to insert after sub-section (b), to stand as new sub-section (c) the following, “(c) Notwithstanding any notification by the Minister, in terms of sub-section (iv) of section seventy-eight of the Principal Act, pastoral lessees in the Eastern Division shall have a right, at the expiration of their leases, to an extension thereof for a term of five years, and the rent shall be redetermined for such period of extension. Provided that where, in the opinion of the Local Land Board, the land embraced within such lease is so situated or of such quality as to be required for agricultural settlement, the Minister, on giving six months notice prior to the expiration of such lease, shall have power to refuse such extension.”

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

Committee divided.

Ayes, 16.

Mr. Copeland,	
Mr. Slattery,	
Mr. Alison,	
Mr. A'Beckett,	
Mr. Dickens,	
Mr. FitzGerald,	
Mr. Lakeman,	
Mr. Greene,	
Mr. Ferguson,	
Mr. H. H. Brown,	
Mr. R. B. Wilkinson,	
Mr. J. P. Abbott,	
Mr. Lamb,	
Mr. Lee.	
Tellers,	
Mr. Plumb,	
Mr. Crick.	

Noes, 34.

Mr. Copland,	Mr. Hawken,
Mr. Dawson,	Mr. Woodward,
Mr. Jones,	Mr. Teece,
Mr. Brunker,	Mr. Ball,
Mr. Gould,	Mr. Stevenson,
Mr. Dowel,	Mr. Scobie,
Mr. Harold Stephen,	Mr. Cass,
Mr. Carruthers,	Mr. Thompson,
Mr. Mitchell,	Mr. Colls,
Dr. Ross,	Mr. Gough,
Mr. Willis,	Mr. Gormly,
Mr. O'Sullivan,	Mr. Morton,
Mr. Chanter,	Mr. Nobbs,
Mr. Traill,	Tellers,
Mr. McRae,	
Mr. Barbour,	Mr. Hutchison,
Mr. Paul,	(<i>Glen Innes</i>),
Mr. Haynes,	Mr. Levien.
Mr. Barnes,	

Insertion of words proposed negatived.

And the clause having been further amended as indicated,—

Clause, as amended, agreed to.

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

THURSDAY, 27 JUNE, 1889.

No. 4.

SAME BILL.

Clause 29. Should it appear to the satisfaction of the Minister, after report by the Local Land Board, Lands may be withdrawn from pastoral lease for settlement. and subject to the recommendation of the Land Court, that the whole or any part of the land held under a pastoral or scrub lease whether granted before or after the commencement of this Act is required for settlement by conditional purchase or conditional lease or otherwise, it shall be lawful for the Minister, upon giving six months notice in the Government Gazette, to withdraw from the pastoral or scrub lease such lands as may be therein described; and upon the expiry of such notice the lands so described shall thereupon be withdrawn from such lease, and may be held on application by the pastoral lessee under occupation license at such rate as may be appraised, or be otherwise dealt with in accordance with the Principal Act or this Act. And the lessee shall be entitled to a refund of any rent paid in connection therewith, computed from the expiry of the notice before-mentioned, and to a reduction of future rent proportionate with the area withdrawn less any sums due to the Crown for "rent" or otherwise. Lands reserved from sale for towns or villages shall not be deemed by virtue of such reservations to be withdrawn from pastoral or homestead lease; but the proclamation of cities, towns, and villages, and the definition of the limits of suburban lands to be attached thereto, shall be held to withdraw and to have withdrawn such lands from any lease or license within the boundaries of which they may be situated from the date of such proclamation. (*Read.*)

Motion

Motion made (*Mr. Brunker*) to omit all the words down to and including "rent," in line 13.
 Question put.—That the words proposed to be omitted stand part of the clause.
 Committee divided.

Ayes, 3.

Mr. Chanter.

Tellers,

Mr. McRae,

Mr. Turner.

Noes, 64.

Mr. Willis,
 Mr. Hayes,
 Mr. Copland,
 Mr. Wright,
 Mr. Gormly,
 Mr. Lakeman,
 Mr. Slattery,
 Mr. Bruce Smith,
 Mr. Brunker,
 Mr. Crick,
 Mr. McMillan,
 Mr. W. E. Abbott,
 Mr. Ryrie,
 Mr. Lyne,
 Mr. O'Sullivan,
 Mr. McFarlane,
 Mr. Gould,
 Mr. Barbour,
 Mr. Martin,
 Mr. Perry,
 Mr. Scobic,
 Mr. Waddell,
 Mr. Wilshire,
 Mr. Gough,
 Mr. Colls,
 Mr. Alfred Allen,
 Mr. Burns,
 Mr. Ewing,
 Mr. Lees,
 Mr. Lee,
 Mr. R. B. Wilkinson,
 Mr. J. P. Abbott,
 Mr. A'Beckett,

Mr. Cullen,
 Mr. Woodward,
 Mr. Joseph Abbott,
 Mr. Paul,
 Mr. Torpy,
 Mr. Kidd,
 Mr. Stokes,
 Mr. Stevenson,
 Mr. Davis,
 Mr. Greene,
 Mr. Holborow,
 Mr. Hawken,
 Mr. Plumb,
 Mr. Ritchie,
 Mr. Ball,
 Mr. T. G. Dangar,
 Mr. Street,
 Mr. Lamb,
 Mr. Teece,
 Mr. H. H. Brown,
 Mr. Playfair,
 Mr. Haynes,
 Mr. Dawson,
 Mr. Copeland,
 Mr. Harold Stephen,
 Mr. Shepherd,
 Mr. Mitchell,
 Mr. Dickens,
 Mr. O'Connor.

Tellers,

Mr. Molesworth,
 Mr. Fitzgerald.

Words omitted.

And the clause having been further amended as indicated,—
Clause, as amended, agreed to.

No. 5.

SAME BILL.

Reserve from
lease reverts on
revocation to
pastoral lease-
hold.

Clause 31. "Upon the forfeiture of any conditional or other purchase, or" **forfeiture or surrender** of any conditional or other lease, or upon the revocation of any reserve from lease or license, or upon the **surrender of any portion held in fee simple as hereinafter provided**, situated within the external boundaries of any pastoral or homestead lease or occupation license, the land comprised therein shall (subject to the power of the Governor or the Minister to waive or reverse such forfeiture, or to cancel or modify such revocation) be added to the land under lease or license, and be included under such lease or license, and from the date of forfeiture taking or having taken effect or the notification in the *Gazette* of the revocation of the reserve, rent or license fee shall be payable for such unimproved lands at the same rate per acre as for the rest of the lease or "license," but if such land contains improvements the rate shall be determined by appraisement in accordance with section six of this Act. Any such forfeited or surrendered lands, situated within the external boundaries of any reserve from sale, or reserve from conditional purchase, or population area, or suburban lands, or gold-field, shall be added to and form part of the same whether held under lease or license or not, and no specific notification of such reservation or addition as aforesaid shall be held to be necessary under the Principal Act or this Act. In any case where any forfeited or other lands have been or shall be reserved from sale and from lease or license, it shall be lawful for the Governor by notification in the *Government Gazette* to revoke such reservation, wholly or in part; and unless otherwise expressly declared, any revocation of reservation from lease or license shall not operate as a revocation of reservation from sale, nor shall any revocation of reservation from sale operate as a revocation of reservation from lease or license. (*Read.*)

Motion made (*Mr. Barbour*) to omit from line 1 the words "Upon the forfeiture of any conditional or other purchase."

And the Committee continuing to sit after midnight,—

FRIDAY, 28 JUNE, 1889 A.M.

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

Ayes, 21.

Mr. McMillan,
 Mr. Brunker,
 Mr. Bruce Smith,
 Mr. Fitzgerald,
 Mr. Copeland,
 Mr. H. H. Brown,
 Mr. Dickens,
 Mr. Harold Stephen,
 Mr. Wall,
 Mr. Ball,
 Mr. Teece,
 Mr. Waddell,

Mr. Hayes,
 Mr. Wilshire,
 Mr. T. G. Dangar,
 Mr. A'Beckett,
 Mr. Sydney Smith,
 Mr. Lee,
 Mr. O'Connor,
 Tellers,
 Mr. Dawson,
 Mr. Cullen.

Noes, 14.

Mr. Chanter,
 Mr. O'Sullivan,
 Mr. Barbour,
 Mr. Gough,
 Mr. Colls,
 Mr. Edmunds,
 Mr. Stokes,
 Mr. Willis,
 Mr. Greene,
 Mr. Woodward,
 Mr. Stevenson,
 Mr. Gormly,

Tellers,

Mr. Copland,
 Mr. Turner.

Words stand.

And the clause having been amended as indicated in lines 1, 2, 3, 8, and 9.

No.

No. 6.

Same clause.

It having been proposed, on motion of Mr. Brunker, to insert, after the word "license," in line 10, the words "but if such land contains 'improvements' the rate shall be determined by appraisement in accordance with section 6 of this Act."

Motion made (*Mr. Lakeman*) to amend the proposed amendment by inserting after the word "improvements" the words "such improvement shall be paid for by the pastoral tenant."

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

Committee divided.

Ayes, 3.

Mr. Dawson.
Tellers,
Mr. Lakeman,
Mr. Turner.

Noes, 30.

Mr. Copland,
Mr. FitzGerald,
Mr. O'Sullivan,
Mr. Chanter,
Mr. Harold Stephen,
Mr. Gormly,
Mr. Cruickshank,
Mr. Brunker,
Mr. Sydney Smith,
Mr. Stevenson,
Mr. Barbour,
Mr. Gough,
Mr. Colls,
Mr. Teece,
Mr. Shepherd,
Mr. Lee,

Mr. Woodward,
Mr. T. G. Dangar,
Mr. Haynes,
Mr. Greene,
Mr. Ball,
Mr. O'Connor,
Mr. A'Beckett,
Mr. McMillan
Mr. Wall,
Mr. Wilshire,
Mr. Bruce Smith,
Mr. Cullen.
Tellers,
Mr. Waddell,
Mr. Dickens.

Insertion (in the proposed amendment) of the words proposed negatived.

And the words proposed to be inserted in the clause having been inserted and the clause further amended as indicated.

Clause, as amended, agreed to.

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

FRIDAY, 28 JUNE, 1889.

No. 7.

WENTWORTH IRRIGATION BILL.

Clause 11. Subject to the provisions hereinafter contained, and for the purposes of this Act it shall at any time be lawful for the Trust to exercise any of the following powers, that is to say—

- (i) To erect and construct upon any part of the irrigation area such dams, weirs, flood-gates, culverts, aqueducts, sluices, flumes, pipes, engines, pumping machinery, reservoirs, canals, water-courses, embankments, or other works as may be necessary or expedient for carrying out the purposes of this Act.
- (ii) To construct a dam, or flood-gate, or both, across the mouth of the creek known as Tchilltancurra Creek, at the junction of the said creek with the river Darling, and elsewhere on the said creek or any of its affluents.
- (iii) To take or divert water from the lake known as Fletcher's Lake, adjacent to the northern boundary of the irrigation area, and from all creeks, water-courses, lagoons, swamps, canals, trenches, tanks, reservoirs, or other sources lying within or to be constructed or excavated within the irrigation area.
- (iv) To widen or deepen any existing creek, lagoon, swamp, or water-course within the irrigation area.
- (v) To lay pipes or cut trenches or ducts outside the irrigation area for the purpose of delivering water to owners of adjoining lands.
- (vi) To take water from the rivers Darling and Murray by means of pumping or other machinery erected within the irrigation area under such regulations as to quantity as the Minister may "sanction."

But nothing in this section shall be taken or construed to authorize the Trust to construct any dam, weir, embankment, or other work whatever in or upon either of the rivers Darling or Murray, so as to obstruct, impede, or in any way interfere with the natural flow or the navigation of such rivers. (*Read.*)

And the clause having been amended as indicated,—

Motion made (*Mr. Sydney Smith*) to insert after the word "sanction" in line 21, the words "Provided however that the Minister may at any time cause inspection to be made of any works initiated, constructed, or managed by the Trust, and if the construction, maintenance, or management of such works be unsatisfactory, the Minister may require the Trust to make such alterations or improvements as may be deemed necessary or useful. The cost of such inspection to be defrayed by said Trust."

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

Committee divided.

Ayes, 16.

Mr. McMillan,	Tellers,
Mr. Brunker,	
Mr. Sydney Smith,	Mr. Dowel,
Mr. Carruthers,	Mr. Torpy.
Mr. Gould,	
Mr. Tonkin,	
Mr. Molesworth,	
Mr. Paul,	
Mr. Turner,	
Mr. McRae,	
Mr. Garrett,	
Mr. Cullen,	
Mr. Wilshire,	
Mr. Teece.	

Noes, 27.

Mr. Fletcher,	Mr. Frank Smith,
Mr. Edmunds,	Mr. Lamb,
Mr. Slattery,	Mr. Alfred Allen,
Mr. O'Sullivan,	Mr. Clubb,
Mr. Ewing,	Mr. Stevenson,
Mr. Garrard,	Mr. Barbour,
Mr. Crick,	Mr. Plumb,
Mr. J. P. Abbott,	Mr. Greene,
Mr. Howe,	Mr. Hawken,
Mr. Perry,	Mr. Abigail.
Mr. Willis,	Tellers,
Mr. Walker,	Mr. Hurley,
Mr. Dawson,	Mr. Lees.
Mr. Harold Stephen,	
Mr. Wyman Brown,	

Insertion of words proposed negative.

Clause, as amended, agreed to.

No. 8.

SAME BILL.

Water-way
through land not
to confer right to
water on owner.

Clause 28. Under no circumstances shall the passage of water through the land of any owner confer on such owner any right, title, or vested interest in such water. (*Read.*)

Motion made (*Mr. Hawken*) to add to end of clause the words "Provided that no action at law shall lie against the owner of any land for any using of water where the water may run through an open water-course."

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

Committee divided.

Ayes, 6.

Mr. Tonkin,
Mr. Crick,
Mr. Lees,
Mr. Clubb.
Tellers,
Mr. Hawken,
Mr. Ewing.

Noes, 33.

Mr. Dibbs,	Mr. Plumb,
Mr. Fletcher,	Mr. Greene,
Mr. Edmunds,	Mr. Haynes,
Mr. Sydney Smith,	Mr. Burns,
Mr. Dawson,	Mr. Paul,
Mr. Lamb,	Mr. Barbour,
Mr. Harold Stephen,	Mr. Torpy,
Mr. Garrard,	Mr. Frank Smith,
Mr. Brunker,	Mr. Teece,
Mr. Carruthers,	Mr. Perry,
Mr. J. P. Abbott,	Mr. Howe,
Mr. Alfred Allen,	Mr. Willis,
Mr. Molesworth,	Mr. Slattery.
Mr. Abigail,	Tellers,
Mr. Turner,	Mr. Cullen,
Mr. Hurley,	Mr. O'Sullivan.
Mr. Stevenson,	
Mr. McMillan,	

Addition of words proposed negative.

And the remaining clauses of the Bill having been considered,—

On motion of Mr. J. P. Abbott, the Chairman left the Chair to report the Bill with amendments.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 7.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 2 JULY, 1889.

No. 1.

CROWN LANDS BILL.

Clause 32. After the expiration of any pastoral lease in the Eastern Division, granted under the Principal Act, the lands theretofore subject to any such lease "shall," without more, become and be dealt with as a resumed area; and the Governor may, in pursuance of the eighty-first section of that Act, issue licenses to occupy the same, subject to all the conditions in the said section-contained, except *Act, and this Act contained relating thereto, provided that any appraisement of the license fee shall be made in accordance with this Act.* The holder of any such expiring lease may not less than six months before its expiration apply for a license to occupy the Crown Lands theretofore held by him under such lease; and after expiration of the lease as aforesaid the same shall be granted to him; provided, that at the time of making the application all arrears of the rent of such pastoral lease shall have been paid up, and within three months thereafter there shall be lodged with the Colonial Treasurer, as provisional license fee, a sum calculated at the same rate per section of six hundred and forty acres of the estimated area as may be payable for the area originally resumed, if the applicant shall occupy the same, but if not, then at the rate of two pounds per section, and the said provisional license fee shall continue to be payable until an appraisement shall have been made, and the license fee fixed thereunder duly notified; after an appraisement of the license fee shall have been made the difference between the provisional license fee and the fee so appraised shall be paid to or by the licensee in the prescribed manner, subject, in default of his paying any deficiency, to a forfeiture of the license. If application and payment of the provisional license fee shall not have been made as aforesaid, the right to occupy the said lands may be disposed of by auction or tender, and all Crown Lands not held under lease or license, and not reserved from lease or license, shall be open to annual lease in the prescribed manner, and the first applicant shall have a right to an annual lease of the land applied for on payment of such rent as the Land Board shall determine, as provided by *this Act, or the lands may be otherwise dealt with, under the provisions of the Principal Act and this Act.* (*Further considered.*)

Motion made (*Mr. Copeland*) to omit from line 2 the word "shall" with a view to insert the words "may, on the recommendation of the Local Land Board, be divided as near as practicable into two equal parts, and the Minister shall have power to grant to the former lessee a lease for a further period of five years for either but only one of such subdivided portions, the annual rent for which shall be re-appraised in the prescribed manner."

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

Committee divided.

Ayes, 41.

Mr. Brunker,
Mr. Bruce Smith,
Mr. Carruthers,
Mr. Burns,
Mr. Chanter,
Mr. Perry,
Mr. Nicoll,
Mr. Gormly,
Mr. Torpy,
Dr. Ross,
Mr. W. E. Abbott,
Mr. Nobbs,
Mr. Dale,
Mr. Fuller,
Mr. Playfair,
Mr. Lees,
Mr. McRae,
Mr. Traill,
Mr. Dowel,
Mr. Barnes,
Mr. McFarlane,
Mr. O'Sullivan,
Mr. Edmunds,

Mr. Abigail,
Mr. Chapman,
Mr. Kidd,
Mr. Stevenson,
Mr. Hawken,
Mr. Cooke,
Mr. Teece,
Mr. Scobie,
Mr. Stokes,
Mr. Barbour,
Mr. Garrard,
Mr. Harold Stephen,
Mr. Dawson,
Mr. Bowman,
Mr. Gould,
Mr. Hayes.
Tellers,
Mr. Willis,
Mr. Cruickshank.

Noes, 25.

Mr. N'Beckett,
Mr. Copeland,
Mr. Tonkin,
Mr. Turner,
Mr. Iuglis,
Mr. J. P. Abbott,
Mr. Plumb,
Mr. Alison,
Mr. Cullen,
Mr. Joseph Abbott,
Mr. Lamb,
Mr. Green,
Mr. R. B. Wilkinson,
Mr. Lee,
Mr. Davis,
Mr. Waddell,
Mr. Dickens,
Mr. Wyman Brown,
Mr. See,
Mr. Clarke,
Mr. Seaver,
Mr. Crick,
Mr. Wright.

Tellers,
Mr. Frank Farnell,
Mr. Wall.

Word stands.

And the clause having been amended as indicated,—

Clause, as amended, agreed to.

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

WEDNESDAY, 3 JULY, 1889.

No. 2.

SAME BILL.

Homestead leases may comprise an area of 20,480 acres.

General provisions as to homestead leases.

Clause 33. After the commencement of this Act the area which may be granted and held under a homestead lease ~~may~~ shall not exceed "ten" thousand two hundred and forty acres, but shall not exceed twenty thousand four hundred and eighty acres, nor be less than six hundred and forty acres; and any applicant for or holder of a homestead lease, whether applied for before or after the commencement of this Act, may in virtue thereof obtain additional homestead leases adjoining the land comprised in the original or any prior additional homestead lease, provided that the total area of such original and additional shall not exceed the maximum area allowed by this section. And any original and additional homestead leases may for all purposes of residence and fencing be held to be one homestead lease; but no additional homestead lease shall be transferred apart from the original or vice versa unless and until the prescribed condition of residence has been fulfilled. Nothing in this, or the Principal Act shall prevent any homestead lease being transferred by way of mortgage or security, at the risk of the transferee, before the expiration of the prescribed term of residence subject to the conditions of the lease being fulfilled by the original applicant therefor. The provisions of section one hundred and twenty-five of the Principal Act shall be held to extend to homestead leases: and notwithstanding anything in that Act, notice by an applicant of his non-acceptance of any homestead lease, applied for before or after the commencement of this Act, shall not entitle him to a refund of deposit, unless, in the opinion of the Minister, the land approved to be leased differs materially in form or situation from that applied for; and if the applicant shall have occupied or made use of any land by virtue of his application, the Minister may refuse to accept any such notice of non-acceptance: Provided that the acceptance by the Minister of any such notice shall take effect on the expiration of seven days after notification in the *Gazette*. Nothing in the Principal Act shall be held to prevent the Local Land Board from granting an exemption from fencing any natural or other boundary of land held under homestead lease. The lease may be surrendered on giving the Minister not less than twelve months notice; and if any rent due thereon be not paid within the prescribed time, or if any condition attaching thereto be not fulfilled, any homestead lease shall be liable to forfeiture; and forfeiture shall take effect thirty days after notification thereof in the *Gazette*. And on any determination of any homestead lease, the land comprised therein may be leased as a homestead lease by auction or tender, or otherwise disposed of, in accordance with the provisions of the Principal and this Act. The holder of a homestead lease shall, after the commencement of this Act, reside continuously thereon for six months of each year of the prescribed term of residence, and shall, prior to the date of commencement of residence during any year, notify the Local Land Board to that effect; and such notice shall specify the date from which he intends to reside. (*Further considered.*)

Question

Question again proposed, on motion of Mr. J. P. Abbott, to omit from line 2 the word "may," with a view to insert the words "shall not."

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

Committee divided.

Ayes, 31.

Sir Henry Parkes,
Mr. McMillan,
Mr. Gould,
Mr. Brunker,
Mr. O'Connor,
Mr. Syduey Smith,
Mr. Jones,
Mr. Willis,
Mr. Playfair,
Mr. Crick,
Mr. Thompson,
Mr. Lakeman,
Mr. O'Sullivan,
Mr. Barnes,
Mr. Gormly,
Mr. Copland,
Mr. Walker,
Mr. Dalton,
Mr. Torpy,
Mr. Slattery,
Mr. Hutchison
(Canterbury),
Mr. Mitchell,
Mr. Scobie,

Mr. McRae,
Mr. Traill,
Mr. Wilshire,
Mr. Fuller,
Mr. Colls,
Mr. O. O. Dangar.
Tellers,
Mr. Dowel,
Mr. Kidd.

Noes, 45.

Mr. Lyne,
Mr. Wright,
Mr. Chanter,
Mr. Nicoll,
Mr. Alexander Brown,
Mr. Dibbs,
Mr. Cruickshank,
Mr. Tonkin,
Mr. Lamb,
Mr. J. P. Abbott,
Mr. FitzGerald,
Mr. Turner,
Mr. Cooke,
Mr. Morton,
Mr. McCourt,
Mr. Alison,
Mr. Plumb,
Mr. Ritchie,
Mr. T. G. Dangar,
Mr. R. B. Wilkinson,
Mr. Perry,
Mr. King,
Mr. Holborow,
Mr. Dawson,
Tellers,
Mr. Joseph Abbott,
Mr. Dickens.

Word omitted.

And the words proposed to be inserted having been inserted in place of the word omitted,—

No. 3.

Same clause.

Motion made (*Mr. Lakeman*) to omit from line 2 the word "ten," with a view to insert the word "fifteen."

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

Committee divided.

Ayes, 44.

Mr. Dibbs,
Mr. Wright,
Mr. Chanter,
Mr. Lamb,
Mr. Alexander Brown,
Mr. Lyne,
Mr. Nicoll,
Mr. John Wilkinson,
Mr. Fletcher,
Mr. Burns,
Mr. Tonkin,
Mr. FitzGerald,
Mr. Copland,
Mr. Cullen,
Mr. Street,
Mr. J. P. Abbott,
Mr. Creer,
Mr. Black,
Mr. Bowman,
Mr. Perry,
Dr. Ross,
Mr. Lee,
Mr. Turner,

Mr. W. E. Abbott,
Mr. Plumb,
Mr. Davis,
Mr. Greene,
Mr. Clarke,
Mr. Joseph Abbott,
Mr. Wyman Brown,
Mr. See,
Mr. Holborow,
Mr. Dawson,
Mr. Cooke,
Mr. McCourt,
Mr. Dickens,
Mr. Ball,
Mr. Beckett,
Mr. Stevenson,
Mr. King,
Tellers,
Mr. R. B. Wilkinson,
Mr. Harold Stephen.

Noes, 34.

Sir Henry Parkes,
Mr. Crick,
Mr. McMillan,
Mr. Brunker,
Mr. Gould,
Mr. O'Sullivan,
Mr. Playfair,
Mr. Mitchell,
Mr. Cruickshank,
Mr. Wall,
Mr. Willis,
Mr. Sydney Smith,
Mr. Thompson,
Mr. Slattery,
Mr. Dalton,
Mr. O'Connor,
Mr. Fuller,
Mr. Torpy,
Mr. McRae,
Mr. Jones,
Mr. Wilshire,
Mr. Copland,
Mr. Dowel,

Word stands.

No. 4.

Same clause.

And the Question having been proposed, on motion of Mr. Brunker,—That the Chairman leave the Chair, and ask leave to sit again at a later hour of the day,—

Motion made (*Mr. Lee*),—"That the Question be now put."

Question

Question put,—That the Question be now put.
Committee divided.

Ayes, 47.

Mr. McMillan,
Mr. Gould,
Mr. Carruthers,
Mr. O'Connor,
Mr. Sydney Smith,
Mr. Cruickshank,
Mr. Nicoll,
Mr. John Wilkinson,
Mr. Mitchell,
Sir Henry Parkes,
Mr. FitzGerald,
Mr. Haynes,
Mr. Burns,
Mr. Greene,
Mr. Dickens,
Mr. Plumb,
Mr. Clarke,
Mr. See,
Mr. Turner,
Mr. J. P. Abbott,
Mr. Holborow,
Mr. R. B. Wilkinson,
Mr. Lees,
Mr. Cooke,
Mr. Teece,

Mr. Dalton,
Mr. Walker,
Mr. Ball,
Mr. Hutchison
(Canterbury),
Mr. King,
Mr. Alison,
Mr. Dale,
Mr. Tonkin,
Mr. Cullen,
Mr. Scobie,
Mr. Lamb,
Mr. Wilshire,
Mr. Alexander Brown,
Mr. Black,
Mr. Shepherd,
Mr. Bowman,
Mr. Martin,
Mr. Lee,
Mr. Fuller,
Mr. Morton.
Tellers.
Mr. Joseph Abbott,
Mr. O. O. Dangar.

Noes, 25.

Mr. Copland,
Mr. W. E. Abbott,
Mr. Wright,
Mr. Slattery,
Mr. Dibbs,
Mr. Copeland,
Mr. Willis,
Mr. Crick,
Dr. Ross,
Mr. Perry,
Mr. Torpy,
Mr. Jones,
Mr. Wyman Brown,
Mr. Harold Stephen,
Mr. Trull,
Mr. Edmunds,
Mr. Dowel,
Mr. Stevenson,
Mr. Gormly,
Mr. Barnes,
Mr. McCourt,
Mr. Dawson,
Mr. Hawken.

Tellers.

And it appearing by the tellers' lists that the majority in favour of the motion consisted of "at least forty Members,"—

Question agreed to.

Question,—That the Chairman leave the Chair, and ask leave to sit again at a later hour of the day,—put and agreed to.

THURSDAY, 4 JULY, 1889.

No. 5.

SAME BILL.

Leasing of snow
lands.

Clause 35. The Minister may, upon the recommendation of the Local Land Board, lease by auction any Crown Lands not being under pastoral or conditional lease, which may be usually covered with snow for a part of each year and unfit for continuous use or occupation. Such land shall be leased in areas of not less than one thousand two hundred and eighty or more than ten thousand two hundred and forty acres, and during the currency of the lease shall be exempt from sale or other lease under the provisions of the Principal Act or this Act. Every such lease shall commence from the day of sale, and shall withdraw the land from any annual lease or license under which it may be held, and rent therefor shall be paid annually in advance not later than the last day of each year of the lease, subject in default to forfeiture, by notice in the *Gazette*. The prescribed fee for the survey of the land and the first year's rent shall be paid by the purchaser at the time of sale, and upon default the lease may stand and then be reoffered for sale. The lease shall have a term of seven years, and at the expiration thereof the lessee shall have a right of extension for a term of three years, subject to the payment of such annual rental as may be determined in accordance with the provisions of this Act, not being less than the annual rental of the preceding term, provided that he shall have notified to the Minister at least twelve months prior to the expiration of such term his intention of claiming such extension; and the Minister may determine any such lease, by giving the lessee notice to that effect not later than one year prior to the date on which the term shall expire. Provided further that not more than "two" of any such leases shall be held by, or in the interest of, one person.

(Read.)

Motion made (*Mr. Dawson*) to omit from the last line of the clause the word "two," with a view to insert the word "one."

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

Committee divided.

Ayes, 30.

Mr. Brunker,
Mr. Bruce Smith,
Mr. O'Connor,
Mr. Hawthorne,
Mr. Gould,
Mr. Morton,
Mr. Cruickshank,
Sir Henry Parkes,
Mr. Gormly,
Mr. Lakeman,
Mr. Teece,
Mr. Alison,
Mr. Lamb,
Mr. Cullen,
Mr. Lyne,
Mr. Greene,
Mr. Hutchison
(Canterbury),

Mr. Fuller,
Mr. FitzGerald,
Mr. Ball,
Mr. Bowman,
Mr. Barbour,
Mr. O. O. Dangar,
Mr. Dickens,
Mr. R. B. Wilkinson,
Mr. Torpy,
Mr. O'Sullivan,
Mr. Dale.
Tellers.
Mr. Waddell,
Mr. Hassall.

Noes, 12.

Mr. Crick,
Mr. Willis,
Mr. Harold Stephen,
Mr. Turner,
Mr. Plumb,
Mr. Davis,
Dr. Ross,
Mr. Perry,
Mr. Tonkin,
Mr. King.
Tellers.
Mr. Dawson,
Mr. Lee.

Word stands.

No. 6.

No. 6.

Same clause.

Motion made (*Mr. Lakeman*) to add to the end of the clause the words "Provided nevertheless that the present holders of pastoral leases in such snow lands shall have a preferent right of a snow lease of the whole of his present pastoral leasehold land, if applied for within six months."

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

Committee divided.

Ayes, 9.

Mr. Slattery,
Mr. Dickens,
Mr. R. B. Wilkinson,
Mr. Cruickshank,
Mr. O'Sullivan,
Mr. Alison,
Mr. Hassall.

Tellers,

Mr. Crick,
Mr. Lakeman.

Noes, 30.

Mr. O'Connor,
Mr. Gould,
Mr. FitzGerald,
Mr. Dibbs,
Mr. Bruce Smith,
Mr. Harold Stephen,
Mr. Turner,
Mr. Brunker,
Mr. Plumbe,
Mr. Morton,
Mr. Lee,
Mr. Dale,
Mr. Frank Farnell,
Mr. Gormly,
Mr. Bowman,
Mr. Greene,
Mr. Ball,

Mr. Teece,
Mr. Stevenson,
Mr. Cass,
Mr. Lamb,
Mr. Hutchison
(Canterbury),
Mr. Perry,
Mr. Torpy,
Dr. Ross,
Mr. Willis,
Sir Henry Parkes,
Mr. Dawson,
Tellers,
Mr. O. O. Dangar,
Mr. Cullen.

Addition of words proposed negatived.

Clause, as read, agreed to.

No. 7.

SAME BILL.

Clause 42. The Minister may direct the survey of the boundaries or portions of the boundaries of any land held under applied for as a pastoral lease "or occupation license," and upon such survey being made, may demand from the lessee or licensee, towards defraying the cost of such survey, payment of any sum not exceeding twenty shillings for each linear mile of the boundaries or portion of the boundaries so surveyed; or, if such survey be made at the request of the lessee or licensee, may demand from the lessee or licensee the whole or any part of the cost thereof; and, in default of payment of such sum within sixty days after notification of the demand in the *Gazette*, such lessee or licensee shall become liable to the same penalties as attach to non-payment of his rent or license fee. And if at any inquiry or proceeding before a Local Land Board concerning any application to purchase or lease Crown Lands, any question or dispute shall arise as to the extent or boundary or boundaries of any land comprised in any lease or license, it shall be competent for such Board thereupon to inquire into the matter and recommend for the approval of the Minister (subject to appeal) any adjustment of such boundary or boundaries which may appear reasonable; or such adjustment of boundaries may, subject to the ultimate approval of the Minister, be determined by agreement between the parties; and for this purpose, the description of any land applied for as aforesaid may be modified to conform with the boundary or boundaries so determined; and any such boundary or boundaries approved by the Minister as aforesaid shall, for the purposes of the Principal Act or this Act or of any repealed Act, be held to be the boundary or boundaries of such pastoral lease or occupation license or other lands applied for. And the Minister may refer to the Local Land Board for inquiry any question, or dispute, which may have arisen, or may arise, in respect of the boundaries of any land held under lease or license, and the Board shall in due course deal therewith; provided that in any case the Board may make such order as it may deem fit touching the cost of such inquiry, and of any survey which may be deemed necessary, which shall be borne by such persons and in such proportions as the Board may direct. (*Read.*)

Motion made (*Mr. Alison*) to omit from line 2 the words "or occupation license."

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

Committee divided.

Ayes, 20.

Sir Henry Parkes,
Mr. O'Connor,
Mr. Bruce Smith,
Mr. Brunker,
Mr. Frank Farnell,
Mr. Perry,
Mr. Gould,
Mr. Sydney Smith,
Mr. Willis,
Mr. Torpy,
Mr. Chanter,

Mr. Teece,
Mr. Stevenson,
Mr. Cullen,
Mr. Ball,
Mr. Morton,
Mr. McMillan,
Mr. Carruthers,
Tellers,
Mr. Lakeman,
Mr. Haynes.

Noes, 21.

Mr. Dickens,
Mr. O'Sullivan,
Mr. FitzGerald,
Mr. Alison,
Mr. Crick,
Mr. Cruickshank,
Mr. Beckett,
Mr. Gormly,
Mr. R. B. Wilkinson,
Mr. O. O. Dangar,
Mr. Greene,
Mr. Bowman,

Mr. Mackinnon,
Mr. King,
Mr. Lamb,
Mr. Davis,
Dr. Ross,
Mr. Harold Stephen,
Mr. Dawson,
Tellers,
Mr. Turner,
Mr. Hassall.

Words omitted.

No. 8.

Same clause.

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

Committee divided.

Ayes, 16.

Mr. Dawson,	Mr. FitzGerald.
Mr. Harold Stephen,	Tellers,
Mr. Dickens,	
Mr. A'Beckett,	Mr. Alison,
Mr. Greene,	Mr. Cruickshank.
Mr. Lamb,	
Mr. King,	
Mr. Bowman,	
Mr. Mackinnon,	
Mr. Davis,	
Mr. O. O. Danger,	
Mr. Hassall,	
Mr. O'Sullivan,	

Noes, 23.

Mr. Chanter,	Mr. Ball,
Mr. Lakeman,	Mr. Stevenson,
Mr. Gould,	Sir Henry Parkes,
Mr. Bruce Smith,	Mr. Morton,
Mr. Willis,	Mr. Carruthers,
Mr. Torpy,	Mr. Teece,
Mr. Turner,	Dr. Ross,
Mr. Gormly,	Mr. Sydney Smith,
Mr. Brunker,	Tellers,
Mr. O'Connor,	Mr. Frank Farnell,
Mr. Cullen,	Mr. Lee.
Mr. Nobbs,	
Mr. Haynes,	

Clause, as amended, negatived.

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

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 8.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 9 JULY, 1889.

No. 1.

CHURCH AND SCHOOL LANDS MINING BILL.

(Consideration of Legislative Council's Amendments.)

Clause 6. Nothing in this Act contained shall be taken to remove the administration of the Church and School Lands in respect of mining out of the Department of Public Instruction. (Considered.)

Motion made (*Mr. Carruthers*) that the Committee disagree with the Legislative Council's amendment inserting new Clause 6.

Motion made (*Mr. Crick*) that the Chairman leave the Chair, report progress, and ask leave to sit again this day six months,—and question put.

Committee divided.

Ayes, 3.

Mr. Toohey.
Tellers,
Mr. Willis,
Mr. Crick.

Nocs, 71.

Mr. Dowell,	Mr. Waddell,
Mr. Wright,	Mr. Davis,
Mr. Brunner,	Mr. Nobbs,
Mr. Fletcher,	Mr. Frank Smith,
Mr. Lyne,	Mr. Hutchison <i>(Canterbury)</i> ,
Mr. McMillan,	Mr. Wilshire,
Mr. O'Connor,	Mr. Scobie,
Mr. Tonkin,	Mr. Ball,
Mr. Trail,	Mr. Greene,
Mr. Carruthers,	Mr. Clubb,
Mr. Sydney Smith,	Mr. Chapman,
Sir Henry Parkes,	Mr. Dawson,
Mr. Abigail,	Mr. Creer,
Mr. Copeland,	Mr. Plumb,
Mr. O'Sullivan,	Mr. Hutchison <i>(Glen Innes)</i> ,
Mr. Jones,	Mr. Lamb,
Mr. Ewing,	Mr. R. B. Wilkinson,
Mr. Clarke,	Mr. Stokes,
Mr. Nicol,	Mr. Playfair,
Mr. Wyman Brown,	Mr. Molesworth,
Mr. McRae,	Mr. Dale,
Mr. Barbour,	Mr. Cullen,
Mr. Howe,	Mr. Holborow,
Mr. See,	Mr. Gormly,
Mr. Gould,	Mr. Turner,
Mr. Goodchap,	Mr. J. P. Abbott,
Mr. Slattery,	Mr. W. E. Abbott,
Mr. Dickens,	Mr. Barnes,
Mr. Bruce Smith,	Mr. Hawken,
Mr. Black,	Mr. Harold Stephen,
Mr. McCourt,	Mr. Hurley.
Mr. Perry,	Tellers,
Mr. Kidd,	Mr. Seaver,
Mr. O. O. Dangar,	Mr. Hassall.
Mr. Hogan,	
Mr. Joseph Abbott,	
Mr. T. G. Dangar,	
Mr. Torpy,	

Negatived.

And

And the Legislative Council's Amendment inserting new Clause 6 having been disagreed to,—
On motion of Mr. Carruthers the Chairman left the Chair to report that the Committee had disagreed to one and agreed to the remainder of the Council Amendments.

FRIDAY, 12 JULY, 1889.

No. 2.

PUBLICATION OF OBSCENE EVIDENCE PREVENTION BILL.

Prohibition of
indecent and
obscene matter
in reports, &c.

Clause 2. The Judge or person or persons presiding at or holding any Court may shall make an order forbidding the "publication" of any details or matter, being in his opinion of an indecent or obscene character, given in evidence, or arising in any way in the course of proceedings in or before such Court.

- (i) Every such order shall be made by such Judge, person, or persons, in open Court, and may shall be so made either in writing or verbally, and may be in the nature of a general or particular prohibition and shall forthwith be stated by the Judge or person or persons presiding.
- (ii) A Court for the purposes of this enactment includes the Supreme and every Circuit Court, every District Court, and Court of Quarter or Petty Sessions, presided over by any Police or Stipendiary Magistrate, and in whatsoever jurisdiction such Court may be sitting; and whether such Court (if a Court of Petty Sessions) shall be held by or before two or more Justices of the Peace, or by or before any Police or Stipendiary Magistrate; and also includes every Coroners' Court and every Justice of the Peace sitting or holding an Inquiry pursuant to the provisions of any Act regulating the duties of Justices of the Peace.
- (iii) "Publication" for the purposes of this Act means publication in any newspaper, book, pamphlet, periodical, news sheet, placard, or by any other method whatsoever by means of which news or other matter may be published, advertised, or publicly made known. (*Read.*)

The clause having been amended as indicated in line 1.

Motion made (*Mr. Frank Smith*) to insert after the word "publication" in line 2, the words "in any newspaper published in New South Wales."

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

Committee divided.

Ayes, 16.

Mr. O'Connor,
Mr. Nicoll,
Mr. Willis,
Mr. Nobbs,
Mr. Torpy,
Mr. Edmunds,
Mr. Chapman,
Mr. Cass,
Mr. Hawken,
Mr. Cooke,
Mr. Scobie,
Mr. Bowman,
Mr. McCourt,
Mr. Seaver.

Tellers,
Mr. Frank Smith,
Mr. Stevenson.

Noes, 31.

Sir Henry Parkes,
Mr. Sydney Smith,
Mr. Fletcher,
Mr. Harold Stephen,
Mr. Brunker,
Mr. Alexander Brown,
Mr. Garrett,
Mr. Ferguson,
Mr. O. O. Dangar,
Mr. Dowel,
Mr. Garrard,
Mr. Dickens,
Mr. Lees,
Mr. Hawthorne,
Mr. Clubb,
Mr. Burns,
Mr. Dalton,
Mr. Waddell,

Tellers,
Mr. Turner,
Mr. Hurley.

Insertion of words proposed, negatived.

And the clause having been further amended as indicated,—

Clause, as amended, agreed to.

No. 3.

SAME BILL.

Penalty on
disobedience of
order forbidding
publication of
indecent matter,
&c.

Clause 3. If, in disobedience to, or violation of, any such order, any person shall publish, or aid or assist in the publication of, any details or matter forbidden by such order to be published, every such person shall, where the order disobeyed or violated shall be made by a Judge of the Supreme Court or a Circuit Court, be deemed guilty of contempt of Court and be punishable accordingly; and where the order disobeyed or violated shall be made by a District Court Judge, or Chairman of Quarter Sessions, or by a Police or Stipendiary Magistrate, or a Coroner, or by one or more Justices of the Peace, every such person shall be liable to be fined or imprisoned, or to be both fined and imprisoned, provided that in no case shall the fine exceed one hundred twenty-five pounds, or the imprisonment six months month. (*Read.*)

The Clause having been amended as indicated,—

Motion made (*Mr. Stevenson*) to omit the last word "months" with a view to insert the word "week."

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

Committed

Committee divided.

Ayes, 16.

Mr. Brunker,	Mr. Slattery,
Mr. Alexander Brown,	Mr. Chanter,
Sir Henry Parkes,	Mr. Turner,
Mr. Molesworth,	Mr. Wilshire.
Mr. Garrard,	<i>Tellers,</i>
Mr. Sydney Smith,	Mr. Dawson,
Mr. O. O. Dangar,	Mr. Dickens.
Mr. See,	
Mr. Lees,	
Mr. Perry,	

Word omitted.

No. 4.

(*Same clause.*)

Question put.—That the word “week,” proposed to be inserted, be so inserted.
Committee divided.

Ayes, 17.

Mr. Traill,	Mr. Scobie,
Mr. O'Connor,	Mr. Stevenson,
Mr. Willis,	Mr. Hawken,
Mr. Frank Smith,	Mr. Harold Stephen,
Mr. Edmunds,	Mr. Garvan.
Mr. Hawthorne,	<i>Tellers,</i>
Mr. Cooke,	Mr. Dickens,
Mr. Burns,	Mr. Clubb,
Mr. Bowman,	Mr. McCourt.
Mr. Chapman,	

Noes, 17.

Mr. Sydney Smith,	Mr. Barbour,
Mr. Molesworth,	Mr. O. O. Dangar,
Mr. Brunker,	Mr. Turner,
Mr. Alexander Brown,	Sir Henry Parkes,
Mr. Slattery,	Mr. Chanter.
Mr. Garrard,	<i>Tellers,</i>
Mr. Dickens,	Mr. Dawson,
Mr. Wilshire,	Mr. Lees.
Mr. Perry,	
Mr. See,	

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

Insertion of word proposed, negatived.

Motion made (*Mr. Alexander Brown*) that the word “month” be inserted in place of the word omitted.

And the Committee continuing to sit after Midnight,—

SATURDAY, 13 JULY, 1889.

No. 5.

(*Same clause.*)

Motion made (*Mr. Hawken*),—That the Chairman do now leave the Chair and report progress,
—and question put.

Committee divided.

Ayes, 3.

Mr. Cooke.	
<i>Tellers,</i>	
Mr. Stevenson,	
Mr. Hawken.	

Noes, 25.

Mr. Harold Stephen,	Mr. Molesworth,
Mr. Fletcher,	Mr. Frank Smith,
Mr. Traill,	Mr. Alexander Brown,
Mr. O'Sullivan,	Mr. Torpy,
Mr. Dickens,	Mr. Edmunds,
Mr. O. O. Dangar,	Mr. Fuller,
Mr. Sydney Smith,	Mr. Wilshire,
Mr. Willis,	Mr. Chanter,
Mr. Slattery,	Mr. Dawson.
Mr. Brunker,	<i>Tellers,</i>
Mr. Garrard,	Mr. Hawthorne,
Mr. Clubb,	Mr. Morton.
Mr. Bowman,	
Mr. O'Connor,	

Negatived.

No. 6.

(*Same clause.*)

Question put.—That the word “month” be inserted in place of the word omitted.
Committee divided.

Ayes, 17.

Mr. Brunker,	Mr. Hawthorne,
Mr. Chanter,	Mr. Dawson,
Mr. Alexander Brown,	Mr. Morton,
Mr. Molesworth,	Mr. Garrard,
Mr. Sydney Smith,	Mr. Wilshire.
Mr. Slattery,	<i>Tellers,</i>
Mr. O. O. Dangar,	
Mr. Fletcher,	Mr. O'Sullivan,
Mr. Traill,	Mr. Dickens.
Mr. Clubb,	

Noes, 12.

Mr. O'Connor,	<i>Tellers,</i>
Mr. Harold Stephen,	Mr. Willis,
Mr. Cooke,	Mr. Hawken.
Mr. Stevenson,	
Mr. Fuller,	
Mr. Bowman,	
Mr. Chapman,	
Mr. Frank Smith,	
Mr. Torpy,	
Mr. Edmunds,	

Word inserted.

Clause, as amended, agreed to.

On motion of Mr. Alexander Brown, the Chairman left the Chair to report the Bill with amendments and with an amended Title.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 9.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 16 JULY, 1889.

No. 1.

CROWN LANDS BILL.

Clause 43. Upon the expiration, otherwise than by forfeiture or surrender application being made in the prescribed manner by the holder of any homestead lease or of any pastoral lease (other than a pastoral lease in the Eastern Division), and after a reletting of the land or any part thereof by pastoral lease the outgoing tenant shall be entitled to claim compensation from the incoming tenant for any durable water improvements situated thereon (not being the property of the Crown) which, in the opinion of the Minister, after report and determination by the Land Board, have been made bona fide and are necessary for the beneficial use and occupation of the land. The Land Board (subject to appeal) shall appraise the value of the improvements to the incoming tenant, and shall determine whether the amount shall be paid in one sum or by instalments, and the amounts of the several instalments, and the period within which any amount or instalment shall be paid; but in default of any payment the remedy of the outgoing tenant shall be against the incoming tenant, and not against the Crown; and no claim shall lie against the Crown for the removal, destruction, or deterioration of any improvements, pending, or before, or after, reletting of the land. Any sum so determined to be due from an incoming to an outgoing tenant shall constitute a charge upon the pastoral lease coming first after any sum due to the Crown for rent or otherwise, and any purchaser of such lease shall be bound to inquire as to the existence of any such charge. Provided that no such lessee shall, under any circumstances whatever, have any claim against the Crown in respect of the value of any improvements in the "Central" or "Western" Division for an extension of such lease, the Land Board shall hold an inquiry as to all permanent improvements existing upon the land held thereunder, exclusive of all improvements forfeited or belonging to the Crown: Provided that such application shall be lodged within ninety days prior to the last twelve months two years of the current lease, and shall be accompanied by a deposit of twenty pounds, to cover the expenses of dealing therewith. The Board shall find and report—

- (i) The value of such improvements.
- (ii) Whether or not they have been made bona fide and with intent to increase the carrying capacity, benefit, or profit of the land for pastoral purposes.
- (iii) Whether or not the land has been materially benefited thereby.
- (iv) Whether or not, in consideration of such improvements, an extension of the term of the lease should be granted.

The Board shall thereupon make a recommendation to the Minister, who may either accept the same or refer it to the Land Court. The procedure in connection with any such reference shall, mutatis mutandis, be the same as that prescribed by section six of this Act in connection with appraisements. The Land Court may, on any appeal or reference in the premises, sustain, vary, or reverse any finding or recommendation of the Board, and its final or ultimate recommendation shall be carried into effect by the Minister. No extension for more than five years shall be recommended or granted of any pastoral lease in the Central Division, or for more than seven years of a homestead or pastoral lease in the Western Division; and nothing in this or the Principal Act shall be construed

to permit any second, further, or other extension than is provided in this section. The lease shall, during any such extended term, be held upon the same conditions, and at the same rate of rental as prior to the extension; and pending notice in the "Gazette" either of approval or refusal of any extension the previous lease shall be held to continue. Upon the expiration (by effluxion of time or otherwise) of the term or extended term of any homestead lease, or of any pastoral lease in the Central or Western Division, all improvements on the land theretofore held under such lease, whether made before or after the commencement of the Principal Act, shall become the property of the Crown, and no compensation shall be payable therefor to the outgoing lessee. Upon the expiration of the term, or extended term, of any pastoral lease, the lands comprised thereunder may be offered by auction or tender under occupation license, or otherwise dealt with as vacant lands. Lands held under any such pastoral lease, which may have been or which may be forfeited or surrendered, may be relet under pastoral lease, by auction or tender, for the unexpired portion of the forfeited or surrendered term, upon such conditions as to periods of appraisement of rent or otherwise as may be determined by the Minister, or may be offered by auction or tender under occupation license, or otherwise dealt with as vacant lands; but no pastoral or homestead lessee whose lease shall, after the commencement of this Act, have been forfeited or surrendered shall be competent to hold any pastoral or homestead lease or occupation license, or any under-lease or other interest in or under any such lease or license of any of the lands comprised in the said forfeited or surrendered lease; and any lease, under-lease, transfer, assignment, contract, trust, or dealing made in contravention hereof shall be void and of no effect at law or in equity, and shall render the pastoral or homestead lease liable to forfeiture. After forfeiture or surrender of any pastoral lease as aforesaid the lands shall not be deemed to be vacant lands, and shall not be available as such until after notification in the "Gazette" that the same may be so dealt with. (Further considered.)

The clause having been amended as indicated, and the words shown in black letter having been proposed to be inserted in place of the words omitted after the word "lease" in line 3,—

Question again proposed,—on motion of Mr. Barbour that the words "central or" in line 19 be omitted,—That the words proposed to be omitted stand part of the proposed amendment.

And the Committee continuing to sit after Midnight,—

WEDNESDAY, 17 JULY, 1889, A.M.

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

Ayes, 43.

Mr. Brunker,	Mr. R. B. Wilkinson,
Mr. Gould,	Mr. Teece,
Mr. McMillan,	Mr. Hawken,
Mr. Mitchell,	Mr. Ball,
Mr. Carruthers,	Mr. Dale,
Mr. Bruce Smith,	Mr. Alison,
Mr. Sydney Smith,	Mr. Waddell,
Mr. Morton,	Mr. Paul,
Mr. Wright,	Mr. Wilshire,
Mr. Ferguson,	Mr. Lamb,
Mr. Molesworth,	Mr. Beckett,
Mr. Lee,	Mr. Hutchison <i>(Canterbury)</i> ,
Mr. Davis,	Mr. Cullen,
Mr. Haynes,	Mr. Fuller,
Mr. H. H. Brown,	Mr. Holborow,
Mr. Cass,	Mr. King,
Mr. T. G. Dangar,	Mr. O. O. Dangar,
Mr. Black,	Mr. Bowman.
Mr. Dickens,	
Mr. Cruickshank,	
Mr. Orick,	
Mr. Ritchie,	
Mr. Willis,	

Tellers,

Mr. Alexander Brown,
Mr. Turner.

Noes, 20.

Mr. McRae,	
Mr. Jones,	
Mr. Hayes,	
Mr. Copland,	
Mr. Chanter,	
Mr. Dawson,	
Dr. Ross,	
Mr. Perry,	
Mr. Barbour,	
Mr. Schey,	
Mr. Barnes,	
Mr. Trull,	
Mr. Walker,	
Mr. Stevenson,	
Mr. Stokes,	
Mr. Cooke,	
Mr. Gormly,	
Mr. Harold Stephen,	
	<i>Tellers,</i>
Mr. John Wilkinson,	
Mr. Dowel,	

Words stand.

And the words proposed to be inserted having been amended as indicated, and inserted in the clause,—

No. 2.

(*Same clause.*)

Motion made (*Mr. Harold Stephen*) to add to the words just inserted the following words:—
"Provided always that no such extension of lease shall be granted unless the Minister is satisfied that the land is not required for settlement,"—and question put.

Committee

Committee divided.

Ayes, 20.

Dr. Ross,
Mr. Trail,
Mr. John Wilkinson,
Mr. Hayes,
Mr. Gormly,
Mr. Jones,
Mr. Copland,
Mr. Wright,
Mr. Chanter,
Mr. Barnes,
Mr. Perry,
Mr. McRae,
Mr. Dawson,
Mr. Harold Stephen,
Mr. Schey,
Mr. Stevenson,
Mr. Stokes,
Mr. Cooke.

Tellers,
Mr. Barbour,
Mr. Dowel.

Noes, 42.

Mr. Willis,
Mr. Crick,
Mr. Mitchell,
Mr. Davis,
Mr. Brunker,
Mr. McMillan,
Mr. Gould,
Mr. Cruickshank,
Mr. Alison,
Mr. Bruce Smith,
Mr. Morton,
Mr. Black,
Mr. Paul,
Mr. Waddell,
Mr. O. O. Dangar,
Mr. Ferguson,
Mr. Alexander Brown,
Mr. Turner,
Mr. Dale,
Mr. Cass,
Mr. Holborow,
Mr. Bowman,
Mr. Hawken,

Mr. Hutchison
(*Canterbury*),
Mr. Ball,
Mr. Teece,
Mr. Haynes,
Mr. Dickson,
Mr. R. B. Wilkinson,
Mr. T. G. Dangar,
Mr. Cullen,
Mr. Wilshire,
Mr. H. H. Brown,
Mr. Carruthers,
Mr. N'Beckett,
Mr. Ritchie,
Mr. Burdekin,
Mr. Sydney Smith,
Mr. Lee,
Mr. King.
Tellers,
Mr. Lamb,
Mr. Molesworth.

Addition of words proposed negatived.

No. 3.

(Same clause.)

Motion made (*Mr. O'Sullivan*) to add to the words just inserted the following words:—"Notwithstanding anything contained in this or the Principal Act, no extension of lease shall be granted for more than half the leasehold area in the Central Division,"—and question put.

Committee divided.

Ayes, 16.

Mr. Chanter,
Dr. Ross,
Mr. Harold Stephen,
Mr. Trail,
Mr. Wright,
Mr. Gormly,
Mr. Barnes,
Mr. Jones,
Mr. Barbour,
Mr. Schey,
Mr. Cooke,
Mr. Stevenson,
Mr. Stokes,
Mr. Perry.

Tellers,
Mr. Copland,
Mr. Dowel.

Noes, 40.

Mr. Alison,
Mr. Lamb,
Mr. Alexander Brown,
Mr. Brunker,
Mr. McMillan,
Mr. King,
Mr. Bruce Smith,
Mr. Cruickshank,
Mr. Sydney Smith,
Mr. O. O. Dangar,
Mr. Carruthers,
Mr. Paul,
Mr. Turner,
Mr. Dale,
Mr. Waddell,
Mr. Ferguson,
Mr. Haynes,
Mr. Cullen,
Mr. Dawson,
Mr. Crick,
Mr. Willis,
Mr. Gould,

Mr. N'Beckett,
Mr. Black,
Mr. Molesworth,
Mr. Wilshire,
Mr. Ritchie,
Mr. H. H. Brown,
Mr. Lee,
Mr. Morton,
Mr. Teece,
Mr. R. B. Wilkinson,
Mr. Hutchison
(*Canterbury*),
Mr. Bowman,
Mr. Hawken,
Mr. Ball,
Mr. Cass,
Mr. Holborow.
Tellers,
Mr. Davis,
Mr. Dickens.

Addition of words proposed negatived.

No. 4.

(Same clause.)

Motion made (*Mr. Chanter*) to add to the words just inserted the following words:—"Provided that nothing in this clause shall apply to any lands south of the Lachlan River,"—and question put.

Committee divided.

Ayes, 19.

Mr. Wright,
Mr. Hayes,
Mr. Gormly,
Mr. Copland,
Mr. Cruickshank,
Dr. Ross,
Mr. Dowel,
Mr. Chanter,
Mr. Jones,
Mr. Barnes,
Mr. Barbour,
Mr. Harold Stephen,
Mr. Schey,
Mr. Cooke,
Mr. Stokes,
Mr. Stevenson,
Mr. Trail.

Tellers,

Mr. Perry,
Mr. N'Beckett.

Noes, 37.

Mr. Dickens,
Mr. Sydney Smith,
Mr. Gould,
Mr. King,
Mr. Davis,
Mr. Brunker,
Mr. Ferguson,
Mr. McMillan,
Mr. Dale,
Mr. Ritchie,
Mr. Lamb,
Mr. Bruce Smith,
Mr. Cass,
Mr. Paul,
Mr. Crick,
Mr. Waddell,
Mr. Alexander Brown,
Mr. Holborow,
Mr. Bowman,
Mr. Ball,

Mr. Hutchison
(*Canterbury*),
Mr. Teece,
Mr. Lee,
Mr. R. B. Wilkinson,
Mr. Turner,
Mr. Molesworth,
Mr. Wilshire,
Mr. Carruthers,
Mr. Hawken,
Mr. H. H. Brown,
Mr. Alison,
Mr. Black,
Mr. Willis,
Mr. Dawson,
Mr. Cullen.
Tellers,
Mr. Haynes,
Mr. O. O. Dangar.

Addition of words proposed negatived.

No.

No. 5.

(Same clause.)

Question put,—That the clause as amended stand clause 43 of the Bill.

Committee divided.

Ayes, 37.

Mr. Brunker,
 Mr. McMillan,
 Mr. Sydney Smith,
 Mr. Gould,
 Mr. Bruce Smith,
 Mr. Carruthers,
 Mr. Lamb,
 Mr. d'Beckett,
 Mr. Ferguson,
 Mr. Cruickshank,
 Mr. Lee,
 Mr. Wilsshire,
 Mr. Hutchison
 (*Canterbury*),
 Mr. Davis,
 Mr. Dale,
 Mr. Ritchie,
 Mr. Cullen,
 Mr. Turner,
 Mr. Teece,

Mr. Holborow,
 Mr. Bell,
 Mr. Black,
 Mr. Waddell,
 Mr. Bowman,
 Mr. Alexander Brown,
 Mr. Dickens,
 Mr. O. O. Dangar,
 Mr. Willis,
 Mr. Crick,
 Mr. R. B. Wilkineon,
 Mr. Cass,
 Mr. Haynes,
 Mr. King,
 Mr. Paul,
 Mr. Alison.
 Tellers,

Nocs, 19.

Mr. Traill,
 Mr. Chanter,
 Mr. Dowel,
 Mr. Hayes,
 Mr. Jones,
 Mr. Copland,
 Mr. Gormly,
 Mr. Barnes,
 Mr. Barbour,
 Mr. Perry,
 Mr. Stevenson,
 Mr. Stokes,
 Mr. Cooke,
 Mr. Dawson,
 Mr. Wright,
 Mr. Hawken,
 Dr. Ross.

Tellers,
 Mr. Schey,
 Mr. Harold Stephen.

Clause, as amended, agreed to.

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

WEDNESDAY, 17 JULY, 1889.

No. 6.

CROWN LANDS BILL.

Protection of
artesian wells.

Clause 45. Upon application in the prescribed manner (accompanied by a deposit of ten pounds to cover the expenses in dealing therewith) for permission to bore and search for water in any land in the Western Division, held by the applicant under occupation license or annual lease, the Land-Board Minister may, by notice in the *Gazette* and some paper circulating in the district, set apart such an area not exceeding five thousand seven hundred and sixty acres in one block on the resumed area as the Board may consider reasonable for the purposes of the application. Upon publication of such notice the land therein described shall be held to be temporarily exempt from sale or lease under this or the principal Act to other than the applicant, but shall not be withdrawn from the occupation license or annual lease; and within twenty-eight days after such notice the applicant shall commence to bore and search for water, and shall forward to the Chairman of the Land Board by registered letter notice verified by statutory declaration of his having done so; and the work of boring and searching as aforesaid shall be "continued" until water be found, or until it appear to the Land-Board Minister that the work cannot be pursued with reasonable hope of success or profit. Within fourteen days after the discovery of water, the licensee or lessee shall, by registered letter, notify the fact to the said Chairman of the Local Land Board, and the said licensee or lessee shall, on approval by the Governor, become entitled to a lease for such a term, not exceeding twenty-one years, and of such an area, and from such a date as shall be approved, not exceeding the proportion of five acres to each one pound of expense, which the Board shall be satisfied has been incurred in boring and searching operations the unexpired term of the current pastoral lease; and the rental of such area shall be at the rate then payable upon the land held under such occupation license or annual lease. If the applicant shall fail to forward any prescribed notice, or if the Board Minister shall consider that the application has not been made *bond fide*, or that reasonable efforts have not been or are not being made to discover water, or that any water discovered is not sufficiently permanent, or that the quantity is not sufficiently great, such Board he may withdraw the notice aforesaid, or the Governor may cancel the lease, and upon publication in the *Gazette* and any paper circulating in the district, of notice of such withdrawal, or cancellation, the temporary exemption from sale or lease of such land, and the lease thereof, shall be held to be annulled. (Read.)

The Clause having been amended as indicated in lines 4 to 7,—

Motion made (Mr. Tonkin) to insert after the word "continued," in line 13, the words "with the expedition necessary to the satisfaction of the Minister,"—and question put.

Committee

Committee divided.

Ayes, 2.

Tellers,
Mr. Willis,
Mr. Tonkin.

Noes, 61.

Sir Henry Parkes,
Mr. Graham,
Mr. Gould,
Mr. O'Sullivan,
Mr. McMillan,
Mr. Bruce Smith,
Mr. Brunker,
Mr. Dickens,
Mr. Gormly,
Mr. Sydney Smith,
Mr. Copland,
Mr. Lakeman,
Mr. Wyman Brown,
Mr. Hawken,
Mr. Garvan,
Mr. Henry Clarke,
Dr. Ross,
Mr. Barnes,
Mr. Nobbs,
Mr. Perry,
Mr. Jones,
Mr. O. O. Dangar,
Mr. Lee,
Mr. Cruickshank,
Mr. Ryrie,
Mr. Paul,
Mr. Hassall,
Mr. Ferguson,
Mr. Carruthers,
Mr. Hayes,
Mr. Hogan,
Mr. Wall,

Mr. Edmunds,
Mr. Garrett,
Mr. Burns,
Mr. Waddell,
Mr. Cooke,
Mr. Stokes,
Mr. Seaver,
Mr. Hutchison
(*Canterbury*),
Mr. Joseph Abbott,
Mr. Cullen,
Mr. McCourt,
Mr. Scobie,
Mr. Stevenson,
Mr. Playfair,
Mr. King,
Mr. Lamb,
Mr. Alexander Brown,
Mr. Davis,
Mr. R. B. Wilkinson,
Mr. O'Connor,
Mr. Dawson,
Mr. Turner,
Mr. Holborow,
Mr. Teece,
Mr. Stevenson,
Mr. John Wilkinson,
Mr. H. H. Brown.

Tellers,
Mr. W. E. Abbott,
Mr. Alison.

Insertion of words proposed, negatived.

And the clause having been further amended as indicated,—

No. 7.

(Same clause.)

Question put,—That this clause as amended stand clause 45 of the Bill.

Committee divided.

Ayes 41.

Sir Henry Parkes,
Mr. McMillan,
Mr. Brunker,
Mr. Sydney Smith,
Mr. R. B. Wilkinson,
Mr. J. P. Abbott,
Mr. Garrett,
Mr. Graham,
Mr. Paul,
Mr. Tonkin,
Mr. Ferguson,
Mr. Carruthers,
Mr. Cullen,
Mr. Scobie,
Mr. Hutchison
(*Canterbury*),
Mr. Nobbs,
Mr. Playfair,
Mr. Davis,
Dr. Ross,
Mr. O'Connor,
Mr. Gould,

Mr. Alison,
Mr. Wyman Brown,
Mr. Waddell,
Mr. H. H. Brown,
Mr. Dickens,
Mr. Joseph Abbott,
Mr. Want,
Mr. Lamb,
Mr. Alexander Brown,
Mr. Dalton,
Mr. Holborow,
Mr. Stokes,
Mr. Teece,
Mr. Hawken,
Mr. Clubb,
Mr. King,
Tellers,
Mr. Wall,
Mr. Hassall.

Noes 14.

Mr. Copland,
Mr. Crick,
Mr. Edmunds,
Mr. Barnes,
Mr. Lakeman,
Mr. Gormly,
Mr. Dawson,
Mr. Stevenson,
Mr. McFarlane,
Mr. Jones,
Mr. Perry,
Mr. Garvan.

Tellers,
Mr. Turner,
Mr. Harold Stephen.

Clause, as amended, agreed to.

No. 8.

SAME BILL.

Clause 46. It shall be lawful for the Governor to accept from the holder of any pastoral lease a surrender of any portion of land which may be situated within the pastoral holding, leasehold or resumed area, and of which he holds a grant, or is entitled to demand a grant, and to assure to him, by way of exchange for the land so surrendered, an equal area within the leashold "area." After the acceptance of such surrender, the land shall, upon proclamation in the *Gazette*, and not before, become Crown land for the purposes of the Principal Act or of this Act, and any improvements thereon shall, notwithstanding the surrender, remain the property of the surrenderor, and thereafter be dealt with and treated as if they were improvements made with the permission of the Local Land Board upon such Crown lands. The lessee shall pay all costs and fees incurred in respect of the surrender and exchange of such land. Provided that, if the land applied for by way of exchange

exchange is measured land, and is, in the aggregate, less than forty acres in excess of the land surrendered, such excess area may be granted to the lessee, at a price to be determined in accordance with section six of this Act. And the Governor may acquire, for the purpose of access or approaches to any natural water, tank, or dam, or for a road, or travelling stock route, or camping reserve, or watering-place, or for any like purpose, any land of any tenure, either by way of purchase or by granting in fee simple, or for any less estate, any Crown land of equal value in exchange for such land. And any land so acquired shall thereupon be deemed to be reserved from sale and lease, and may, on revocation of the reserve, be dealt with, in accordance with the Principal or this Act. The Local Land Board shall inquire into and report upon any application or proposal for the exchange or purchase of any land under the provisions of this section, and the value of any land acquired or granted thereunder shall be determined in accordance with section six of this Act. And the Governor may make all grants of lands exchanged for the purposes of this section. (Read.)

The clause having been amended as indicated in lines 2 and 3,—

Motion made (*Mr. W. E. Abbott*) to insert after the word "area" in line 5 the words "and the land so surrendered or exchanged shall be measured in connection with other lands held by the same owner, in accordance with the survey regulations in force in reference to conditional purchases or conditional leases, in so far as the same can be made applicable thereto."

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

Committee divided.

Ayes, 15.

Mr. Alison,
Mr. Edmunds,
Mr. Turner,
Mr. Tonkin,
Mr. McRae,
Mr. J. P. Abbott,
Mr. Willis,
Mr. Dawson,
Mr. Harold Stephen,
Mr. Dalton,
Mr. Perry,
Mr. Cullen,
Mr. Scobie.
Tellers,
Mr. W. E. Abbott,
Mr. O'Sullivan.

Noes, 47.

Sir Henry Parkes,
Mr. Wright,
Mr. Hayes,
Mr. Copland,
Mr. Jones,
Mr. Gould,
Mr. Sydney Smith,
Mr. O. O. Dangar,
Mr. Lamb,
Mr. Cruickshank,
Mr. Brunker,
Mr. See,
Mr. Barbour,
Mr. Hassall,
Mr. Morton,
Mr. Carruthers,
Mr. Gormly,
Mr. Garrett,
Mr. Ryrie,
Mr. Garvan,
Mr. Dibbs,
Mr. Lee,
Dr. Ross,
Mr. Henry Clarke,
Mr. Lyne,
Tellers,
Mr. Clubb,
Mr. Haynes.

Mr. Hogan,
Mr. Dickens,
Mr. McMillan,
Mr. King,
Mr. Wilshire,
Mr. McFarlane,
Mr. Paul,
Mr. Cooke,
Mr. Stokes,
Mr. Stevenson,
Mr. Davis,
Mr. Barnes,
Mr. Hawken,
Mr. Teece,
Mr. Ball,
Mr. Holborow,
Mr. O'Connor,
Mr. Playfair,
Mr. Ferguson,
Mr. Chanter.

Insertion of words proposed negatived.

Clause, as amended, agreed to.

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

THURSDAY, 18 JULY, 1889.

No. 9.

CROWN LANDS BILL.

Mr. Brunker brought up new clause, to follow Clause 48,—

It shall be lawful for the Governor, on the recommendation of the Warden of any Gold-field, to grant leases for periods not exceeding fifteen years of areas not exceeding "ten" acres of Crown Land within gold and mineral fields to any holder of a miner's right or mineral license for the purpose for bona fide residence upon such terms and conditions as to rent, cost of survey, term of lease, erection of fences and buildings, and upon such other provisions for the protection of the public interest as may be prescribed. (Read.)

Residential
lease may be
granted to
holder of
miner's right
or mineral
license.

Motion made (*Mr. Willis*) to omit the word "ten," line 3, and insert the word "twenty."

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

Committee

Committee divided.

Ayes, 69.

Mr. McMillan,
Mr. Brunker,
Mr. Gould,
Mr. Carruthers,
Mr. Seaver,
Mr. Sydnay Smith,
Mr. Garrett,
Mr. Turner,
Mr. Chanter,
Mr. Tonkin,
Mr. O'Sullivan,
Mr. Slattery,
Mr. Alison,
Mr. Joseph Abbott,
Mr. Cullen,
Mr. Lamb,
Mr. Dale,
Mr. Scobie,
Mr. Burns,
Mr. Wilshire,
Mr. Lyne,
Mr. H. H. Brown,
Mr. Lees,
Mr. Cooke,
Mr. Abigail,
Mr. Gormly,
Mr. W. E. Abbott,
Mr. Wyman Brown,
Mr. Hawken,
Mr. Dowel,
Mr. Cass,
Mr. Davis,
Mr. Clubb,
Mr. Waddell,
Mr. Stevenson,
Mr. Hutchinson
(*Glen Innes*),

Mr. R. B. Wilkinson,
Mr. Torpy,
Mr. Henry Clarke,
Mr. Hogan,
Mr. McRae,
Mr. Dalton,
Mr. McFarlane,
Mr. Ryrie,
Mr. Paul,
Mr. Kidd,
Mr. Teece,
Mr. William Stephen,
Mr. Wall,
Mr. McCourt,
Mr. O'Connor,
Mr. See,
Mr. Barbour,
Mr. King,
Mr. Holborow,
Mr. Ball,
Mr. Hayes,
Mr. Garrard,
Mr. Lakeman,
Mr. O. O. Dangar,
Mr. Dawson,
Mr. T. G. Dangar,
Mr. Morton,
Mr. Garvan,
Mr. Copeland,
Mr. Harold Stephen,
Mr. Wright.
Tellers,
Mr. Levin,
Mr. Haynes.

Noes, 3.

Mr. Edmunds.
Tellers,
Mr. Willis,
Mr. Crick.

Word stands.

Clause, as read, agreed to.

No. 10.

SAME BILL.

Mr. Barbour brought up new Clause,—

No person occupying land under a conditional purchase or conditional or home-
stead lease, or land held under a freehold title acquired under this Act, or a trespass until
leasehold area, shall be entitled to bring any action for trespass (other than a
wilful trespass) on such land until he shall have fenced such land pursuant to
the provisions of the Principal Act. (*Read.*)

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

Committee divided.

Ayes, 17.

Mr. Creer,
Mr. McRae,
Mr. Hayes,
Mr. Edmunds,
Mr. Garvan,
Mr. Chanter,
Mr. Crick,
Mr. Lyne,
Mr. Stevenson,
Mr. W. E. Abbott,
Mr. Wall,
Mr. McCourt,
Mr. Gormly,
Mr. Garrard,
Mr. Kidd.
Tellers,
Mr. Lakeman,
Mr. Barbour.

Noes, 48.

Mr. Tonkin,
Mr. H. H. Brown,
Mr. Gould,
Mr. Davis,
Mr. Brunker,
Mr. Wright,
Mr. Sydney Smith,
Mr. Paul,
Mr. Turner,
Mr. McMillan,
Mr. Morton,
Mr. Torpy,
Mr. Burns,
Mr. Alison,
Mr. Lamb,
Mr. King,
Mr. Beckett,
Mr. Wilshire,
Mr. Ryrie,
Mr. Henry Clarke,
Mr. R. B. Wilkinson,
Mr. Lees,
Mr. Carruthers,
Mr. Cooke,
Mr. Abigail.
Tellers,
Mr. Waddell,
Mr. Hawken.

Negatived.

And

And the Committee continuing to sit after Midnight,—

FRIDAY, 19 JULY, 1889, A.M.

No. 11.

SAME BILL.

Mr. Barbour brought up new clause:—

Conditional purchases how made up to maximum area.

Notwithstanding anything to the contrary contained in the Principal Act or this Act any conditional purchaser under any of the repealed Acts and any conditional purchaser under the Principal Act or this Act who shall be in occupation of his conditional purchase may, if adjoining land be not available, make up his holding to the maximum area but in one block, from other available land in the same Division, subject to the condition of an additional term of five years residence from the date of application to purchase or lease, but the conditions of residence may be fulfilled on the original conditional purchase. Provided that no conditional purchaser under the Principal or this Act shall be permitted to make a second original conditional purchase. (Read.)

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

Committee divided.

Ayes, 3.

Mr. R. B. Wilkinson.

Tellers,

Mr. Lakeman,
Mr. Barbour.

Noes, 33.

Mr. Gould,
Mr. Brunker,
Mr. O'Sullivan,
Mr. Sydney Smith,
Mr. Torpy,
Mr. W. E. Abbott,
Mr. Willis,
Mr. McRae,
Mr. N'Beckett,
Mr. Morton,
Mr. Fuller,
Mr. Paul,
Mr. McMillan,
Mr. Bruce Smith,
Mr. Gormly,
Mr. O. O. Dangar,
Mr. Cooke,
Mr. Ball,

Mr. Woodward,
Mr. Stevenson,
Mr. Lamb,
Mr. Teece,
Mr. Scobie,
Mr. T. G. Dangar,
Mr. McCourt,
Mr. Colls,
Mr. Ryrie,
Mr. Wilshire,
Mr. King,
Mr. Dawson,
Mr. Davis.
Tellers,
Mr. Haynes,
Mr. Harold Stephen.

Negatived.

No. 12.

SAME BILL.

Mr. Willis brought up new clause:—

Improvement; on homestead leases.

Notwithstanding anything contained in this or the Principal Act it shall be lawful for the Local Land Board to grant to a homestead lessee a period not exceeding twelve months to pay for the appraised value of all the improvements on the land so leased. Provided always that the applicant for such homestead lease shall within ninety days after the gazettal of the acceptance of his application pay into the Treasury a sum not less than one-fourth of the whole of the appraised value of the said improvements, and interest on the balance due, at the rate of 4 per centum per annum. (Read.)

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

Committee divided.

Ayes, 6.

Mr. Ryrie,
Mr. N'Beckett,
Mr. Chanter,
Mr. Barbour.

Tellers,

Mr. Cruickshank,
Mr. Willis.

Noes, 24.

Mr. Davis,
Mr. McRae,
Mr. Sydney Smith,
Mr. Gould,
Mr. O'Sullivan,
Mr. Gormly,
Mr. Brunker,
Mr. Lamb,
Mr. King,
Mr. McMillan,
Mr. Bruce Smith,
Mr. O. O. Dangar,
Mr. Stevenson,

Mr. Woodward,
Mr. Colls,
Mr. Haynes,
Mr. Ball,
Mr. Teece,
Mr. R. B. Wilkinson,
Mr. Wilshire,
Mr. Alison,
Mr. Lakeman.
Tellers,
Mr. Harold Stephen,
Mr. Paul.

Negatived.

No. 13.

SAME BILL.

Mr. Chanter brought up new clause:—

Additional conditional purchases.

Any person now residing upon his original conditional or additional conditional purchase, the total area of such purchases not exceeding the area allowed under this Act, may make a further additional conditional purchase within ten miles of his original conditional purchase, and shall thereupon continue to reside either upon the original or additional conditional purchase for a further period of five years. (Read.)

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

Committee

Committee divided.

Ayes, 10.

Mr. McRae,	<i>Tellers,</i>
Mr. Cruickshank,	
Mr. Barbour,	Mr. Lakeman,
Mr. R. B. Wilkinson,	Mr. Paul.
Mr. Alison,	
Mr. Colls,	
Mr. Stevenson,	
Mr. Gormly.	

Noes, 16.

Mr. Willis,	Mr. Woodward,
Mr. Harold Stephen,	Mr. Haynes,
Mr. Brunker,	Mr. Ball,
Mr. Gould,	Mr. Teece,
Mr. Sydney Smith,	Mr. Wilshire.
Mr. Lamb,	<i>Tellers,</i>
Mr. W. E. Abbott,	
Mr. Bruce Smith,	Mr. King,
Mr. McMillan,	Mr. O. O. Dangar.

Negatived.

No. 14.

SAME BILL.

FIRST SCHEDULE.

No. of Section.	Extent of Repeal.
Section 18.....	The whole.
Section 19.....	The whole.
Section 21.....	The whole of sub-section (ix).
Section 29.....	The whole.
Section 41.....	The whole.
Section 49.....	The whole.
Section 50.....	The whole.
Section 53.....	The whole.
Section 55.....	The whole.
Section 56.....	The whole.
Section 59.....	The whole.
Section 69.....	The whole.
Section 78.....	Sub-sections (vi and viii).
Section 79.....	The words "Provided that all improvements on the land at the date of expiration, forfeiture, or surrender shall become the property of Her Majesty without compensation therefor."
Section 82.....	The whole of sub-section (i).
Section 83.....	The whole.
Section 86.....	The whole.
Section 87.....	The whole.
Section 88.....	The whole.
Section 100.....	The whole.
Section 110.....	The whole.
Section 140.....	The whole.
Section 143.....	The whole.

(Read)..

Motion made (*Mr. Harold Stephen*) to insert the following new line:—
“Section 130| The whole.”

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

Committee divided.

Ayes, 6.

Mr. Barbour,	
Mr. Lakeman,	
Mr. Colls,	
Mr. Stevenson,	
<i>Tellers,</i>	
Mr. Gormly,	
Mr. Harold Stephen.	

Noes, 21.

Mr. Willis,	Mr. W. E. Abbott,
Mr. Sydney Smith,	Mr. McMillan,
Mr. Gould,	Mr. R. B. Wilkinson,
Mr. Bruce Smith,	Mr. Paul,
Mr. Cruickshank,	Mr. Woodward,
Mr. Brunker,	Mr. Haynes,
Mr. King,	Mr. Teece,
Mr. Lamb,	<i>Tellers,</i>
Mr. Ball,	
Mr. Wilshire,	Mr. à'Beckett,
Mr. McRae,	Mr. Alison.
Mr. O. O. Dangar,	

Insertion of words proposed negatived.

First Schedule, as read, negatived.

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

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 10.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

TUESDAY, 23 JULY, 1889.

No. 1.

GENERAL POST OFFICE (APPROACIES IMPROVEMENT) BILL.

Clause 5. Notwithstanding anything contained in any other Act, this Act shall, for all purposes Statutory whatsoever, be deemed to be an absolute statutory authority, enabling the Minister for Public Works to commence and complete, subject to such plans and conditions as the Governor, with the advice aforesaid, shall prescribe, the enlargement and improvement of the thoroughfare hereinafter mentioned; and the lands resumed by this Act shall be used for, and applied to, the purposes following, that is to say—

- (a) Towards the formation and making of a public street, in enlargement of the present thoroughfare one hundred feet wide between George and Pitt Streets, of such width, and with such approaches, and of such design as may be determined by the Governor; and such street, after formation and completion by the said Minister, shall, upon a proclamation by the Governor, with the advice of the Executive Council, published in the *Gazette*, become vested in the Municipal Council of the City of Sydney in the same manner as other public highways of the said City are vested in the said Council, and subject to the like powers and obligations as are applicable in respect of such public highways.
- (b) "The residue of the said lands remaining after the formation of the said street shall be sold or leased by public auction, at such times, for such prices, and subject to such terms, conditions, covenants and provisions for buildings" (temporary or perpetual), and for the occupation thereof, as the Governor, with the advice aforesaid, may determine.

Provided always that the Governor, with the advice aforesaid, may form and dedicate to the public in such manner as he may think fit, any lanes a lane connecting Chisholm Lane and Angel Place of not less than the lawful width, for the purpose of giving access to the buildings to be erected on the lands so sold or leased, reserving for future disposal two feet in width of the resumed land in front of the adjoining lands on the north. (Read.)

And the clause having been amended as indicated in sub-section (a),—

Motion made (*Mr. Hawken*) to omit from sub-section (b), the words, "The residue of the said lands remaining after the formation of the said street shall be sold or leased by public auction, at such times, for such prices, and subject to such terms, conditions, covenants and provisions for buildings."

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

Committee divided.

Ayes, 65.

Mr. McMillan,	Mr. R. B. Wilkinson,
Mr. O'Connor,	Mr. Edmunds,
Mr. Sydney Smith,	Mr. Dowel,
Mr. Brunker,	Mr. Toohey,
Mr. Carruthers,	Mr. Molesworth,
Mr. Bruce Smith,	Mr. Scobie,
Mr. Gould,	Mr. Wilshire,
Mr. Trail,	Mr. Playfair,
Mr. Paul,	Mr. Lee,
Sir Henry Parkes,	Mr. Hutchison (<i>Canterbury</i>),
Mr. Dickens,	Mr. Garrett,
Mr. Abigail,	Mr. Lamb,
Mr. Dibbs,	Mr. Teece,
Mr. Chapman,	Mr. Haynes,
Mr. Nobbs,	Mr. T. G. Dangar,
Mr. Gormly,	Mr. Cass,
Mr. Garvan,	Mr. Creer,
Mr. Kidd,	Mr. Perry,
Mr. Clarke,	Mr. Holborow,
Mr. Barbour,	Mr. Hutchison (<i>Glen Innes</i>),
Mr. McRae,	Mr. Willis,
Mr. Slattery,	Mr. Levien,
Mr. J. P. Abbott,	Mr. Ewing,
Mr. Black,	Mr. Dawson,
Mr. See,	Mr. O'Sullivan,
Mr. Nicoll,	Mr. King,
Mr. Barnes,	Mr. H. H. Brown,
Mr. Wyman Brown,	Mr. Tonkin.
Mr. Plumb,	Tellers,
Mr. Reid,	Mr. Wall,
Mr. Dalton,	Mr. Waddell.
Mr. Grahame,	
Mr. Stevenson,	
Mr. Lees,	
Mr. Frank Smith,	

Noes, 5.

Mr. Crick,
Mr. Cruicksbank,
Mr. Copland,
Tellers,
Mr. Harold Stephen,
Mr. Hawken.

Words stand.

And the clause having been further amended as indicated,—

Clause, as amended, agreed to.

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

THURSDAY, 25 JULY, 1889.

No. 2.

CONSOLIDATED REVENUE FUND BILL (No. 4).

SCHEDULE.

SERVICES OF 1889.

Roads, Bridges, and other Public Works—

For repairing Roads and Bridges and other Public Works damaged by the recent heavy rains—Further sum £20,000 0 0
--	---------------------------------

IN ANTICIPATION OF LOAN VOTES.

Railways and Tramways—

Duplicating Railway Lines—

Hurstville and George's River, Sutherland and Waterfall	£52,000 0 0
Teralba to Adamstown	35,500 0 0
Granville to Liverpool	52,000 0 0
Liverpool to Campbelltown—Towards cost of	10,000 0 0
	149,500 0 0

“ Duplicating Tramway Line—

“ Botany Line to Sir Joseph Banks' Grounds 11,000 0 0
--	----------------------------

Department of Public Works—

Towards the Construction of Tramway Line—Leichhardt

to Five Dock (Estimated cost, £17,000)	... ... £10,000 0 0
Dulwich Hill Tramway Extension	... ... 5,050 0 0
	15,050 0 0

Repayment of Loans—

To recoup the Treasurer's Advance Vote for payment therefrom for City of Sydney Water Supply Debentures (6 per cent.), due and paid off 1st July, 1889 5,000 0 0
--	-------------------------------

Total £200,550 0 0
-------	----------------------------------

(Read.)

Motion made (*Mr. Wright*) to omit lines 13 and 14, viz.:—

“ Duplicating Tramway Line—

“ Botany Line to Sir Joseph Banks' Grounds 11,000 0 0
--	----------------------------

And the Committee continuing to sit after midnight,—

FRIDAY,

FRIDAY, 26 JULY, 1889, A.M.

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

Ayes, 28.

Mr. McMillan,	Mr. Hawthorne,
Mr. Brunker,	Mr. Scobie,
Mr. Gould,	Mr. Wilshire,
Mr. Bruce Smith,	Mr. Teece,
Mr. Carruthers,	Mr. Lamb,
Mr. Sydney Smith,	Mr. Schey,
Mr. Morton,	Mr. Paul,
Mr. Ritchie,	Mr. McCourt,
Mr. Garrard,	Mr. King,
Mr. Hawken,	Mr. Molesworth,
Mr. Shepherd,	Mr. Clubb.
Mr. William Stephen,	<i>Tellers,</i>
Mr. Woodward,	Mr. H. H. Brown,
Mr. Fuller,	Mr. Haynes.
Mr. Hutchison,	
(Canterbury),	

Words stand.

Schedule, as read, agreed to.

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

Noes, 8.

Mr. Gough,
Mr. Wright,
Mr. Trail,
Mr. O'Sullivan,
Mr. Stevenson,
Mr. Dawson.
<i>Tellers,</i>
Mr. Frank Farnell,
Mr. Tonkin.

No. 3.

FRIDAY, 26 JULY, 1889.

BATHURST CATTLE SALE-YARDS BILL (*as amended and agreed to in Select Committee.*)

Clause 7. So soon as any such sale-yards shall be established and by-laws approved and published, the said Borough Council of Bathurst may demand from the auctioneer, agent, owner, or person selling the cattle, and take in respect of any cattle brought to any such sale-yards or yarded in or brought to any other sale-yards within the Borough of Bathurst "or within two miles from any boundary thereof" if such cattle be intended for sale by public auction or private contract, the fees or charges mentioned in the said by-laws. Provided that the fees or charges levied upon cattle brought to other sale-yards shall not exceed those levied upon cattle yarded in or brought to the sale-yards established under this Act. Provided further that the said Council shall have only the power to levy one half the same rates and charges which are chargeable in the Municipal Sale-yards for a period of six years from the passing of this Act, but thereafter the said Council shall have power to levy the full rates and charges as aforesaid for or in respect of any yards or premises situated within the aforesaid limits which shall before the commencement of this Act have been established and which are now being used for the *bona fide* purpose of holding sales of cattle thereat, but the said privilege of paying only such half-rates and charges as aforesaid shall not extend to any proprietor of any such last-mentioned yards or premises unless he shall within one month after the date of the passing of this Act have given notice to the Council by writing under his hand that he claims the said privilege, but such privilege shall absolutely cease and determine if at any time after the date of the passing of this Act no sale of cattle shall have taken place at such yards or premises for a continuous period of six calendar months. (Read.)

Motion made (Mr. Tonkin) to omit from lines 4 and 5 the words "or within two miles from any boundary thereof."

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

Ayes, 17.

Mr. McMillan,	Mr. Joseph Abbott,
Mr. Paul,	Mr. Abigail,
Mr. Dickens,	Mr. Garrard,
Mr. Carruthers,	Mr. Gormly,
Mr. Frank Farnell,	Mr. Torpy.
Mr. Stevenson,	<i>Tellers,</i>
Mr. Brunker,	
Mr. Edmunds,	Mr. Mitchell,
Mr. Ritchie,	Mr. Molesworth.
Mr. Cullen,	

Noes, 2.

<i>Tellers,</i>
Mr. Sydney Smith,
Mr. Dawson,

And it appearing from the Tellers' Lists that there was not a Quorum of members present in the Committee,—
The Chairman left the Chair to report accordingly.

The Committee having resumed,—

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

And the clause having been further amended as indicated,—
Clause, as amended, agreed to.

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

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 11.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 8 AUGUST, 1889.

No. 1.

WOLLONGONG HARBOUR TRUST BILL.

Clause 98. The Commissioners "may," for the purpose of forming a sinking fund to pay off the principal sums borrowed under the authority of this Act, and from such time as the Commissioners may determine, appropriate and set apart annually such part of the surplus revenues as the Commissioners, after defraying or providing for the ordinary expenditure and the interest on money owing on the security of the revenues may think fit, and shall from time to time cause the sums so set apart and appropriated to be invested in such securities as trustees are by law for the time being authorized to invest in or in debentures issued under this Act, and to be increased by accumulation until the sinking fund is of sufficient amount to repay the said principal sums or some part thereof which the Commissioners may think ought to be paid off. (*Read.*)

Motion made (*Mr. Joseph Abbott*) to omit from line 1 the word "may" with a view to insert the word "shall."

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

Committee divided.

Ayes, 22.

Sir Henry Parkes,	Mr. Teece,
Mr. McMillan,	Mr. Sydney Smith,
Mr. Plumb,	Mr. Mitchell,
Mr. Carruthers,	Mr. Fuller,
Mr. O'Connor,	Mr. Hawken,
Mr. Brunner,	Mr. Cooke,
Mr. Bruce Smith,	Mr. Haynes,
Mr. Lakerman,	Mr. King.
Mr. Ball,	<i>Tellers,</i>
Mr. Schey,	Mr. McRae,
Mr. Wheeler,	Mr. Paul.
Mr. Woodward,	

Noes, 13.

Mr. O'Sullivan,	<i>Tellers,</i>
Mr. Reid,	Mr. Cullen,
Mr. Copland,	Mr. Joseph Abbott.
Mr. Perry,	
Mr. Nicoll,	
Mr. Molesworth,	
Mr. Hawthorne,	
Mr. Abigail,	
Mr. Wilshire,	
Mr. Barnes,	
Mr. Jones.	

Word stands.

Clause, as read, agreed to.

On motion of Sir Henry Parkes the Chairman left the Chair to report progress and ask leave to sit again on Tuesday next.

FRIDAY, 9 AUGUST, 1889.

No. 2.

FUEL BILL.

Weighing-machine, &c., to be carried.

Penalty for using light weights, unjust weighing machine, &c.

Proviso.

Clause 8. (i) Every person offering or having fuel for sale by weight in any vehicle or delivering any fuel purchased by weight to the buyer thereof from any vessel, or vehicle, shall carry in some convenient place in such vehicle or vessel a good and lawful weighing machine, with proper weights of a design approved of by the Inspector of Weights and Measures. And every such person failing to comply with the requirements of this section shall incur for every such offence a penalty not exceeding twenty five pounds.

(ii) Every such person who when offering, or having fuel for sale or delivering fuel purchased by weight shall knowingly use any light weight, or an unjust weighing machine, when weighing any fuel sold or intended for sale shall incur a penalty for every such offence not exceeding ten pounds; and the employer of such person if any knowingly permitting the use of any such light weight or unjust weighing machine shall "also" incur a penalty not exceeding fifty twenty pounds; and every such "light weight and" weighing machine may be examined, seized, and forfeited if found defective, in manner directed by any Act in force for the time being relating to Weights and Measures.

(iii) Nothing in this section shall "apply" to fuel carried in bulk in any vehicle or vessel belonging to the buyer of such fuel or to any person in charge of any such vehicle or vessel. (*Read*).

And the clause having been amended as indicated,—

Motion made (*Mr. Hawken*) to omit from line 12, the word "also."

Question put that the word proposed to be omitted stand part of the clause.

Committee divided.

Ayes, 15.

Mr. Creer,	Mr. Molesworth,
Mr. Joseph Abbott,	Mr. Hutchison
Mr. Garrard,	(Canterbury),
Mr. Nicoll,	Mr. Teece,
Mr. Harold Stephen,	Mr. Perry.
Mr. Walker,	Tellers,
Mr. Waddell,	
Mr. Stevenson,	Mr. Wheeler,
Mr. Wilshire,	Mr. Hawthorne.

Noes, 10.

Mr. O'Connor,	
Mr. Alfred Allen,	Tellers,
Mr. Cooke,	
Mr. Brunker,	Mr. Lees,
Mr. Torpy,	Mr. Hawken.
Mr. Gould,	
Sir Henry Parkes,	
Mr. Dawson,	

Word stands.

And the clause having been further amended as indicated,—

No. 3.

Same clause.

Motion made (*Mr. Hawken*) to omit from line 12, the words "light weight and."

Question put that the words proposed to be omitted stand part of the clause.

Committee divided.

Ayes, 24.

Sir Henry Parkes,	Mr. Molesworth,
Mr. Brunker,	Mr. Ritchie,
Mr. Alfred Allen,	Mr. Garrard,
Mr. Gould,	Mr. Cooke,
Mr. O'Sullivan,	Mr. Waddell,
Mr. Creer,	Mr. O'Connor,
Mr. Joseph Abbott,	Mr. Stevenson,
Mr. Walker,	Mr. Nicoll,
Mr. Lees,	Mr. Hawthorne,
Mr. Cullen,	Tellers,
Mr. Hutchison	
(Canterbury),	Mr. Cass,
Mr. Teece,	Mr. Harold Stephen,
Mr. Wheeler,	

Noes, 2.

Tellers,	
Mr. Hawken,	
Mr. Dawson,	

Words stand.

Motion made (*Mr. Gould*) to insert after the word "apply" in line 1 of subsection (iii), the words "to sales or delivery of fuel in quantities exceeding five tons at one time nor."

Notice was taken that there was not a Quorum present,—

The Chairman counted the Committee and there not being a Quorum present, left the Chair to report accordingly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 12.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 13 AUGUST, 1889.

No. 1.

SUPPLY—GENERAL ESTIMATES FOR 1889.

(Supplement to Schedule B.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £2,001 10s. for
Supplement to Schedule B.

And the Committee continuing to sit after Midnight,—

WEDNESDAY, 14 AUGUST, 1889, A.M.

Question put and passed.

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

Committee divided.

Ayes, 46.

Mr. Bruce Smith,	Mr. Reid,
Mr. McMillan,	Mr. Lamb,
Mr. Bruncker,	Mr. O'Sullivan,
Mr. Gould,	Mr. Black,
Mr. O'Connor,	Mr. Paul,
Sir Henry Parkes,	Mr. Edmunds,
Mr. Trail,	Mr. Woodward,
Mr. Street,	Mr. Clubb,
Mr. Alfred Allen,	Mr. R. B. Wilkinson,
Mr. Tonkin,	Mr. Ball,
Mr. Ritchie,	Mr. Greene,
Mr. King,	Mr. O. O. Dangar,
Mr. Playfair,	Mr. Teece,
Mr. Hutchison (Canterbury),	Mr. Walker,
Mr. Wheeler,	Mr. Lyne,
Mr. Wilshire,	Mr. Hassall,
Mr. Molesworth,	Mr. Gough,
Mr. Nobbs,	Mr. Schey,
Mr. Cullen,	Mr. Grahame,
Mr. Dibbs,	Mr. Waddell.
Mr. Abigail,	Tellers,
Mr. Dowel,	Mr. Hawken,
Mr. Hurley,	Mr. Dickens.
Mr. Chapman,	

Noes, 9.

Mr. Hugh Taylor,
Mr. Garrett,
Mr. Joseph Abbott,
Mr. Cooke,
Mr. Garrard,
Mr. Seaver,
Mr. Dawson.
Tellers,
Mr. Harold Stephen,
Mr. Plumb.

Question agreed to.

Chairman left the Chair to report accordingly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 13.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 21 AUGUST, 1889.

No. 1.

TREASURY BILLS DEFICIENCY BILL

Clause 6. On the thirty-first day of December, one thousand eight hundred and "ninety," Annual amount the sum of One hundred and fifty thousand pounds shall be paid from the Consolidated ^{to be paid to} Revenue Fund to the credit of a Special Trust Fund Account in a Bank doing the Govern- ^{extinguish} Treasury Bills. ment business, and the like sum shall be paid to the said Special Trust Fund Account annually thereafter, for the purpose of paying off the said Treasury Bills, until such bills are finally extinguished; and the Colonial Treasurer shall, from time to time, out of such Special Trust Fund pay off and redeem such Treasury Bills to the extent to which there may be moneys to the credit of such Special Trust Fund Account. (*Read.*)

Motion made (*Mr. Dibbs*) to omit from line 1 the word "ninety," with a view to insert the word "eighty-nine."

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

Committee divided.

Ayes, 39.

Mr. McMillan,	Mr. Greene,
Mr. Carruthers,	Mr. Woodward,
Mr. Brunner,	Mr. Lee,
Mr. Sydney Smith,	Mr. McCourt,
Mr. Bruce Smith,	Mr. Molesworth,
Mr. O'Connor,	Mr. Wheeler,
Mr. Gould,	Mr. Wilshire,
Mr. Burns,	Mr. Scobie,
Mr. Ball,	Mr. Hutchison
Mr. Dale,	(Canterbury),
Mr. Garrard,	Mr. Paul,
Mr. Mitchell,	Mr. Fuller,
Mr. Haynes,	Mr. Lamb,
Mr. Reid,	Mr. Davis,
Mr. King,	Mr. Dickens,
Mr. Holborow,	Mr. Street,
Mr. E. B. Wilkinson,	Dr. Ross.
Mr. Cooke,	Tellers,
Mr. Plumb,	
Mr. Ritchie,	Mr. Lees,
Mr. Hawken,	Mr. Cullen

Noes, 11.

Mr. Traill,
Mr. Dibbs,
Mr. Chanter,
Mr. Lyne,
Mr. Wright,
Mr. Grahame,
Mr. Goodchap,
Mr. O'Sullivan,
Mr. McRae.
Tellers,
Mr. Cass,
Mr. Dawson.

Word stands.

Clause, as read, agreed to.

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

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 14.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

THURSDAY, 5 SEPTEMBER, 1889.

No. 1.

MAIL SERVICE BETWEEN SYDNEY AND SAN FRANCISCO, *via* AUCKLAND AND HONOLULU.

(Resolutions.)

Mr. O'Connor moved,—That the Committee agree to the following Resolutions :—

- (1.) That this House approves of the continuance of the Mail Service between Sydney and San Francisco, *via* Auckland and Honolulu, by the Union Steamship Company of New Zealand (Limited), for a further term of twelve months from November next, on the following terms, namely :—The subsidy to be reduced to £33,500, and the Government of New South Wales to be responsible therefor, with the proviso that if the Government of New Zealand should hereafter join in this extension of contract, or should contribute, either in the shape of postages or by direct subsidy, any sum in excess of £6,000, such excess to the extent of £3,500 shall be allowed to the Company in consideration of the abatement of £3,500 they have agreed to make in the amount of present subsidy of £37,000. Duration of voyage to be 600 hours, as at present; but no penalties to be imposed provided voyage does not exceed 648 hours. No premiums to be paid for early arrival. Any contribution from the United States to be divided between the contractors and the Government of New South Wales, the former taking one-third and the latter two-thirds thereof. All postages from other Colonies to be retained by the New South Wales Government, subject to adjustment of a share thereof with the New Zealand Government, should that Colony agree to occupy a similar position in this extended contract to that which it now occupies in regard to the existing service. The spirit of the existing contract, in regard to the size of the vessels employed, and in all other respects, to be adhered to in the extended contract, and only European crews to be employed.
- (2.) That the foregoing Resolution be communicated by Address to His Excellency the Governor.

Debate ensued.

Motion made (Mr. O'Sullivan) that there be inserted, to stand as Resolution No. 2, the following words :—

“(2.) That the Union Steamship Company shall not sublet their contract to any British or foreign steamship owners, or charter any vessels not registered in the Australian Colonies.”

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

Ayes, 18.

Mr. Wright,	Mr. Kidd.
Mr. Mitchell,	<i>Tellers,</i>
Mr. Abigail,	
Mr. Thompson,	Mr. Grahame,
Mr. Nicoll,	Mr. Turner.
Mr. Stevenson,	
Mr. Woodward,	
Mr. Waddell,	
Mr. Hogan,	
Mr. Creer,	
Mr. O'Sullivan,	
Mr. Garvan,	
Mr. Wyman Brown,	
Mr. Wall,	
Mr. Dawson,	

Noes, 27.

Mr. McRae,	Mr. Alexander Brown,
Mr. Brunker,	Mr. McCourt,
Mr. Playfair,	Mr. Wilshire,
Mr. O'Connor,	Mr. Hutchison
Mr. Bruce Smith,	(Canterbury),
Mr. Burns,	Mr. Stokes,
Mr. Dale,	Mr. Molesworth,
Mr. Frank Smith,	Mr. Wheeler,
Mr. Clubb,	Mr. Haynes,
Mr. McFarlane,	Mr. Plumb,
Mr. Frank Farnell,	Mr. Teece.
Mr. See,	<i>Tellers,</i>
Mr. Ritchie,	
Mr. Nobbs,	Mr. Cullen,
Mr. Inglis,	Mr. Chapman.

Insertion of words proposed negatived.

On motion of Mr. O'Connor, the Chairman left the Chair, to report the Resolutions to the House.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 15.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 11 SEPTEMBER, 1889.

No. 1.

WOLLONGONG HARBOUR TRUST BILL:—

Clause 43. Upon the passing of this Act there shall be vested in the Commissioners for the Lands, &c., purposes of this Act, the bed and soil and shores of the waters, and the pieces and parcels vested in Commissioners, of Crown Land according to the descriptions contained in the First Schedule, but subject First schedule, to the right of Her Majesty to resume possession at any time, without payment of compensation, of any land required for purposes of national defence, or for giving ingress, egress, and regress to and from the shore. And the lands so vested in the Commissioners are in this Act designated "Harbour Trust Lands," and whenever it shall be deemed necessary in the public interest the Governor may by proclamation dissolve the Trust and take control of the whole of the lands, works, goods, and chattels of the Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created or otherwise vested in such Trust. (Read.)

Motion made (*Sir Henry Parkes*) that there be added at the end of the clause the following words:—And whenever it shall be deemed necessary in the public interest the Governor may by proclamation dissolve the Trust and take control of the whole of the lands, works, goods, and chattels of the Trust, subject to all liabilities and obligations attaching to the same, and with all the powers hereby created or otherwise vested in such Trust.

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

Ayes, 32.

Mr. McMillan,
Mr. Brunker,
Mr. Carruthers,
Mr. Bruce Smith,
Sir Henry Parkes,
Mr. Gould,
Mr. Woodward,
Mr. Sydney Smith,
Mr. A'Beckett,
Mr. Joseph Abbott,
Mr. Molesworth,
Mr. Wheeler,
Mr. Cooke,
Mr. Greene,
Mr. Colls,
Mr. Gormly,
Mr. Plumb,
Mr. Ball,

Mr. Paul,
Mr. Hawken,
Mr. Burns,
Mr. Hutchison
(*Canterbury*),
Mr. Wilshire,
Mr. Cullen,
Mr. Teece,
Mr. Mitchell,
Mr. Bowman,
Mr. Tonkin,
Dr. Ross,
Mr. Holborow.
Tellers,
Mr. H. H. Brown,
Mr. Haynes.

Noes, 17.

Mr. Torpy,
Mr. Grahame,
Mr. Slattery,
Mr. Creer,
Mr. Crick,
Mr. Dibbs,
Mr. Gough,
Mr. Jones,
Mr. Barnes,
Mr. Kidd,
Mr. Ryrie,
Mr. See,
Mr. Henry Clarke,
Mr. Schey,
Mr. Hogan.

Tellers,
Mr. O. O. Danger,
Mr. Willis.

*Words added.**Clause, as amended, agreed to.*

On motion of Sir Henry Parkes, the Chairman left the Chair, to report the Bill with amendments to the House.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 16.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 17 SEPTEMBER, 1889.

No. 1.

SUPPLY—ADDITIONAL ESTIMATES FOR 1889.

Permanent and Volunteer Military Forces—General Staff.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £266 13s. 4d. for Military Secretary, at £800 per annum, from 1st September.

Motion made (*Mr. Crick*),—That the item be reduced by the sum of £66 13s.,—and Question put.

Committee divided.

Ayes, 22.

Mr. O'Sullivan,
 Mr. Crick,
 Mr. Hutchison
(Glen Innes),
 Mr. Wright,
 Mr. See,
 Mr. Dawson,
 Mr. Alexander Brown,
 Mr. Schey,
 Mr. Mitelli,
 Mr. Bowman,
 Mr. Garvan,
 Mr. Nicoll,
 Mr. Torpy,
 Mr. Dibbs,
 Mr. Cruickshank,
 Mr. Gormly,
 Mr. Gough,
 Mr. Perry,
 Mr. Harold Stephen,
 Mr. Willis.

Tellers,
 Mr. Stevenson,
 Mr. Grahame.

Nocs, 48.

Mr. Playfair,
 Mr. Gould,
 Mr. Sydney Smith,
 Mr. Brunker,
 Mr. Carruthers,
 Mr. McMillan,
 Mr. Dale,
 Mr. Paul,
 Mr. Tonkin,
 Sir Henry Parkes,
 Mr. Abigail,
 Mr. Wyman Brown,
 Mr. Joseph Abbott,
 Mr. Waddell,
 Mr. Cullen,
 Mr. Morton,
 Mr. McCourt,
 Mr. Reid,
 Mr. O'Connor,
 Mr. Burdekin,
 Mr. Ritchie,
 Mr. Street,
 Mr. Wilshire,
 Mr. McFarlane,
 Mr. McRae,
 Mr. Kidd.

Tellers,
 Mr. Haynes,
 Mr. Lees.

Reduction negatived.

And the item having been reduced, on the motion of Sir Henry Parkes, by £66 13s. 4d.

Item, as reduced, agreed to.

651—

No. 2.

No. 2.

SAME ESTIMATES.

Permanent Submarine Miners.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £619 5s. 1d. for Permanent Submarine Miners,—and Question put.

Committee divided.

Ayes, 48.

Mr. Brunker,
Mr. McMillan,
Mr. Gould,
Mr. Sydney Smith,
Mr. Carruthers,
Mr. McRae,
Sir Henry Parkes,
Mr. Paul,
Mr. O'Connor,
Mr. Molesworth,
Mr. Joseph Abbott,
Mr. Willis,
Mr. Fuller,
Mr. Hawthorne,
Mr. Burdakin,
Mr. Dale,
Mr. Greene,
Mr. Ritchie,
Mr. A'Beckett,
Mr. Wilshire,
Mr. Goodchap,
Mr. Haynes,
Mr. Abigail,
Mr. King,
Mr. Cruickshank,
Mr. Kidd,

Mr. McCourt,
Mr. Plumb,
Mr. Morton,
Mr. Reid,
Mr. Torpy,
Mr. Waddell,
Mr. Scobie,
Mr. Cooke,
Mr. Hutchison
(*Canterbury*),
Mr. Harold Stephen,
Mr. Playfair,
Mr. Stevenson,
Mr. McFarlane,
Mr. Cass,
Mr. Ball,
Mr. H. H. Brown,
Mr. Teece,
Mr. See,
Mr. Gornly,
Mr. Dawson.

Tellers,
Mr. Hawken,
Mr. Cullen.

Noes, 10.

Mr. Dibbs,
Mr. Slattery,
Mr. Nicoll,
Mr. Garvan,
Mr. Wright,
Mr. O'Sullivan,
Mr. Alexander Brown,
Mr. Bowman.

Tellers,
Mr. Crick,
Mr. Schey.

Item agreed to.

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

WEDNESDAY, 18 SEPTEMBER, 1889.

No. 3.

CROWN LANDS BILL.

(Consideration of Legislative Council's Amendments.)

Land Court to consist of three members.

Clause 8.—There shall be a Land Court, which shall be a Court of Record, and have an official seal. The said Court shall consist of three members, one of whom shall be the President, and it shall be lawful for the Governor with the advice of the Executive Council to remove any member of such Land Court for inability or misbehaviour, provided that twenty-one days at least before the removal of such member of the Land Court he shall have notice of the intention to remove him, and he shall thereafter and before removal have the opportunity of being heard before the Governor and the Executive Council in his defence. The President and each member shall be appointed by the Governor, and shall be paid each salary or allowances as the Governor may approve.

- (i) The President shall preside at all meetings of the Court, but in his absence through illness or other sufficient reason any member may be authorized by the Governor to temporarily act as President, who, while so acting, shall have and exercise all the powers and authorities, and be subject to all the obligations applicable to the office of President. In the absence, through illness or otherwise, of any member, the Governor may appoint any person to temporarily act as member.
- (ii) Any member who shall sit or act in any case in which he is or has been directly or indirectly interested, shall be liable to a penalty not exceeding five hundred pounds.
- (iii) The Land Court shall have power to hear and determine all appeals and all matters referred to such Court by the Minister or by a Local Land Board under the provisions of sub-section (vii) of section fourteen of the Principal Act, and to make such orders for payment of costs incurred in such appeals or proceedings as such Court may think fit; and such appeals and matters shall, after the prescribed notice has been given to the parties, and at such times and places as the Land Court may appoint, be heard and determined in open Court; and the Crown may without having lodged a caveat, appear before the Local Land Board, given notice of appeal, or taken any preliminary step other than may be prescribed by the regulations or by rules of the Land Court appear as a party in all proceedings in which its rights, interests, or revenues may be concerned, and all parties may be heard by counsel, attorney, or agent, but no fresh evidence shall be adduced before such Court, except with the sanction of such Court. In all cases in which the said Land Court shall make any order or award for the payment of money, whether as

as costs or otherwise, the said order or award shall, save as hereinbefore provided, be conclusive upon the parties, and have the force of a judgment of the Supreme Court at common law; and the party in whose favour any such order or award may have been finally or ultimately made may obtain a certificate of the amount due thereunder, which certificate shall be conclusive evidence of the facts therein stated, and he shall, upon production thereof to the Prothonotary, be entitled to have judgment entered up thereon, without any Judge's order to that effect, and to have execution for such amount and costs issued and enforced in the same way as may be done upon judgments at common law; provided that, in any case in which a deposit has been made by an appellant, the same shall be available in payment or part payment of any sum which he may be ordered to pay, and the surplus, if any, shall be returned.

- (iv) If in any case it shall appear to the Land Court that any evidence tendered before such Court, or that further evidence, ought to be taken before the Local Land Board, or that the case is incomplete, it may be remitted to the Board for such action as the Land Court may direct; and the Board shall take such action, and may uphold, reverse, alter, or amend its previous decision in any way that may be considered necessary. The Land Court shall have power to remit to the Board any case in which an order has been made by the Land Court with directions to the Board to enforce or carry out such order, and in any such case the Board shall be empowered and bound to act accordingly.
- (v) A majority of the members of the Land Court shall constitute a quorum. The decision of the Land Court upon any appeal shall, subject to the provisions of section six of this Act, be final and conclusive.
- (vi) Whenever any question of law shall arise in a case before the Land Court, the Land Court shall, if required in writing by any of the parties within the prescribed time and upon the prescribed conditions, or may of its own motion, state and submit a case for decision by the Supreme Court thereon, "which decision shall be conclusive." Every such case shall purport to be stated under this section, and shall state the names of the persons who are parties to the appeal, reference, or other proceeding, and shall be transmitted to the Prothonotary of the Supreme Court to be dealt with as to the setting down of the case for argument, and the hearing of the same, and its return with the decision of the Supreme Court thereon, as the Judges or any two of them shall direct. The Supreme Court for the purposes of this section may consist of two Judges only, and shall have power to deal with the costs of, and incidental to, any case stated under this section as it may think fit.
- (vii) Any subpoena, summons, or other process issuing out of the Land Court, shall have the same force and effect as if issued out of the Supreme Court, in any matter pending therein; and the Land Court shall have the same powers of dealing with witnesses who fail to appear when called, or refuse to answer questions, or otherwise misconduct themselves, and for repressing disorders, or punishing contempts committed in the face of the said Court, as are possessed by the Supreme Court or any Judge thereof upon the hearing of any cause or matter within the jurisdiction of the said Court. Any warrant to apprehend and to detain and bring before the Land Court, or to keep in any gaol, prison, lock-up, or other place of detention, any person liable upon the order of the Land Court to be so dealt with, shall be valid and sufficient if it be in the form appropriate thereto contained in the Third Schedule to this Act, or to the effect thereof; and the Sheriff, his deputy and assistants, and all officers of the police force, and gaolers, to whom the same shall be addressed shall obey the same. Provided that no such warrant shall be issued against a person who fails to appear as a witness when called, unless it be proved to the satisfaction of the Land Court that he has been duly served with a summons or subpoena, and that payment or tender of his reasonable expenses has been made to him.
- (viii) It shall be lawful for the Governor to appoint a Registrar of the Land Court and other necessary officers, who shall be paid such salaries as may from time to time be approved. The Registrar shall have the custody of the official seal of the Court, and of its records, and shall sit in the Court, and keep and sign minutes of the Court's proceedings, and make reports of the Court's decision in each case to the Minister. The Registrar shall have power to seal with the official seal, and to sign and issue in the name of the Court, subpoenas, summons, certificates, orders, notices, and other documents; and the Registrar shall perform the various matters and things in respect of which powers are hereinbefore conferred upon him, or which by any regulation in that behalf made as hereinafter provided he may be ordered to do. Any duties imposed or powers conferred upon the Registrar as aforesaid may, in his absence or inability to act, be discharged or exercised by any person provisionally appointed as Deputy Registrar by the President or Acting President of the Land Court.
- (ix) All Courts of Law and Equity shall take judicial notice of the seal of the Land Court, and of the signature of the President, or Acting President, Registrar, or Deputy Registrar, when attached to any document issuing out of the said Court. (Considered.)

Motion made (*Mr. Brunker*) that the Committee disagree to the Legislative Council's amendment omitting from line 4 in subsection (vi) the words "which decision shall be conclusive,"—and Question put.

Committee divided.

Ayes, 62.

Mr. Seaver,
Mr. Sydney Smith,
Mr. Brunker,
Mr. Carruthers,
Sir Henry Parkes,
Mr. McRae,
Mr. Gould,
Mr. W. E. Abbott,
Mr. Hayes,
Mr. William Stephen,
Mr. Greene,
Mr. Paul,
Mr. O'Connor,
Mr. Chanter,
Dr. Ross,
Mr. Perry,
Mr. Scobie,
Mr. Bowman,
Mr. Edmunds,
Mr. Ewing,
Mr. Fuller,
Mr. Morton,
Mr. Jones,
Mr. Howe,
Mr. Cooke,
Mr. Hawken,
Mr. Barnes,
Mr. Gormly,
Mr. Cruickshank,
Mr. Ritchie,
Mr. Nicoll,
Mr. Dowel,

Mr. Stevenson,
Mr. J. P. Abbott,
Mr. McCourt,
Mr. Turner,
Mr. Copland,
Mr. John Wilkinson,
Mr. R. B. Wilkinson,
Mr. Woodward,
Mr. Barbour,
Mr. Kidd,
Mr. Gough,
Mr. Plumb,
Mr. Dickons,
Mr. Holborow,
Mr. Waddell,
Mr. Teece,
Mr. Schey,
Mr. Tonkin,
Mr. Cass,
Mr. Ball,
Mr. Haynes,
Mr. Reid,
Mr. Beckett,
Mr. Wheeler,
Mr. Dale,
Mr. H. H. Brown,
Mr. Garrard,
Mr. Dawson,
Tellers,
Mr. Lakeman,
Mr. Hassall.

Noes, 5.

Mr. Slattery,
Mr. Crick,
Mr. Grahame,
Tellers,
Mr. Willis,
Mr. Harold Stephen.

Amendment disagreed to.

No. 4.

Same Bill:—

Conditional lease
may be applied
for not exceed-
ing three times
the area of the
conditionally
purchased land.

Clause 26:—Any applicant for, or holder of, land conditionally purchased under since the commencement of the Principal Act (not being under section forty-seven thereof) may obtain a conditional lease, or additional conditional leases, to comprise an area "not" exceeding three times the area of such land, provided that the total area of land conditionally purchased and conditionally leased shall not exceed one thousand two hundred and eighty acres in the Eastern, and two thousand five hundred and sixty acres in the Central Division. In estimating the area which may be conditionally purchased or and conditionally leased, all conditional purchases of the same series, and all land held by conditional lease by virtue of such conditional purchases, shall be included and the land which may be leased shall adjoin the land so conditionally purchased or conditionally leased. With any application for a conditional lease after the commencement of this Act a deposit of twopence per acre of the area applied for shall be paid to the Land Agent. Applications for conditional leases or additional conditional leases under this Act shall be made in the prescribed manner, and shall be dealt with as if the same had been made under the forty-eighth section of the Principal Act, and any conditional lease granted in pursuance thereof shall be deemed to have been granted under the said section, and the provisions of that Act shall, unless otherwise provided in this Act, apply to conditional leases granted after the commencement of this Act. All conditional purchases of the same series, and all conditional leases granted in virtue thereof, shall, for all purposes of residence, fencing, or improvement, be deemed to be one holding. Provided that in all cases where the conditional or additional conditional lease shall exceed three times the area of the conditional purchase, by virtue of which such conditional or additional conditional lease shall have been applied for, the applicant shall fulfil the condition of residence prescribed in the original Act in respect of an original conditional purchase. (*Considered.*)

Motion made (*Mr. Brunker*) that the Committee disagree to the Legislative Council's amendment inserting the word "not" in line 3.

And the Committee continuing to sit after midnight.

THURSDAY, 19 SEPTEMBER, 1889, A.M.

Question put.

Committee divided.

Ayes, 33.

Mr. Brunker,	Mr. McCourt,
Mr. Gould,	Mr. Gormly,
Mr. Carruthers,	Mr. Woodward,
Mr. O'Connor,	Mr. Barbour,
Mr. Sydney Smith,	Mr. Garrard,
Mr. Chanter,	Mr. Dickens,
Mr. Copland,	Mr. Cooke,
Mr. Edmunds,	Mr. Teece,
Mr. Jones,	Mr. Gough,
Mr. Paul,	Mr. Bowman,
Mr. Barnes,	Mr. Hurley,
Mr. Willis,	Mr. Dawson,
Mr. Grahame,	Mr. Tonkin.
Dr. Ross,	Tellers,
Mr. Ball,	
Mr. Ritchie,	Mr. Lakeman,
Mr. Hawken,	Mr. Harold Stephen,
Mr. Crick,	

Noes, 10.

Mr. Hayes,
Mr. J. P. Abbott,
Mr. R. B. Wilkinson,
Mr. McRae,
Mr. Greene,
Mr. Cruickshank,
Mr. á'Beckett,
Mr. King.
Tellers,
Mr. Plumb,
Mr. Turner.

Amendment disagreed to.

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

THURSDAY, 19 SEPTEMBER, 1889.

No. 5.

Same Bill:—

Clause 43:—Upon application being made in the prescribed manner by the holder of any homestead lease or of any pastoral lease in the Central or Western Division for an extension of such lease, the Land Board shall hold an inquiry as to all permanent improvements existing upon the land held thereunder, exclusive of all improvements forfeited or belonging to the Crown. Provided that such application shall be lodged within ninety days prior to the commencement of the last two years of the current lease, and shall be accompanied by a deposit of twenty pounds to cover the expenses of dealing therewith. The Board shall before the commencement of the last year of such lease find and report—

Extension of
pastoral and
homestead
leases.

- (i.) The value of such improvements.
- (ii.) Whether or not they have been made *bona fide* and with intent to increase the carrying capacity, benefit, or profit of the land for pastoral purposes.
- (iii.) Whether or not the land has been materially benefited thereby.
- (iv.) Whether or not in consideration of such improvements an extension of the term of the lease should be granted, and if so, for what term.

The Board shall thereupon make a recommendation to the Minister, who may either accept the same or refer it to the Land Court. The procedure in connection with any such reference shall, *mutatis mutandis*, be the same as that prescribed by section six of this Act in connection with appraisements. The Land Court may, on any appeal or reference in the premises, sustain, vary, or reverse any finding or recommendation of the Board, and its final or ultimate recommendation shall be carried into effect by the Minister. No extension for more than five years shall be recommended or granted of any pastoral lease in the Central Division, or for more than seven years of a homestead or pastoral lease in the Western Division; and nothing in this or the Principal Act shall be construed to permit any second, further, or other extension than is provided in this section. The lease shall, during any such extended term, be held upon the same conditions, and at the same rate of rental as prior to the extension; and pending notice in the *Gazette* either of approval or refusal of any extension the previous lease shall be held to continue. Upon the expiration (by effluxion of time or otherwise) of the term or extended term of any homestead lease, or of any pastoral lease in the Central or Western Division, all improvements on the land theretofore held under such lease, whether made before or after the commencement of the Principal Act, shall become the property of the Crown, and no compensation shall be payable therefor to the outgoing lessee, provided, however, that if an extension of any pastoral lease in the Central Division shall not be applied for, or, if applied for, shall not be granted, or if the application shall have been withdrawn within thirty days from the date of the publication of the report of the said Board, the holder of such lease shall, upon application within the prescribed time, accompanied by such provisional license fee as is required by section thirty-three of this Act, and subject to the general provisions of that section, be entitled to a preferential occupation license of the land theretofore held under lease, and if such license be obtained, any improvements on the land, other than such as may have been forfeited or forfeitable to or vested in the Crown, shall be dealt with under the provisions of section forty-four of this Act, in the same manner as improvements on lands in the Eastern Division held under occupation license in pursuance of section thirty-three of this

this Act. Upon the expiration of the term, or extended term, of any pastoral lease, the lands comprised thereunder, if not subject to and applied for under preferential occupation license, may be offered by auction or tender under occupation license, or otherwise dealt with as vacant lands. Lands held under any such pastoral lease which may have been or which may be forfeited or surrendered may be relet under pastoral lease by auction or tender, for the unexpired portion of the forfeited or surrendered term, upon such conditions as to periods of appraisement of rent or otherwise as may be determined by the Minister, or may be offered by auction or tender under occupation license or otherwise dealt with as vacant lands; ~~but no pastoral or homestead lessee whose lease shall after the commencement of this Act have been forfeited or surrendered shall be competent to hold any pastoral or homestead lease, or occupation licence, or any under lease or other interest in or under any such lease or license of any of the lands comprised in the said forfeited or surrendered lease; and any lease, under lease, transfer, assignment, contract, trust, or dealing made in contravention hereof shall be void and of no effect at law or in equity, and shall render the pastoral or homestead lease liable to forfeiture.~~ After forfeiture or surrender of any pastoral lease as aforesaid, the lands shall not, except for the purposes of pastoral lease or reservation or dedication, be deemed to be vacant Crown lands, and shall not be available as such until after notification in the *Gazette* that the same may be so dealt with. (Considered.)

The amendment inserting words after "lessee" in line 32 having been amended as indicated,—

Motion made (*Mr. Brunker*) that the Committee agree to the Legislative Council's amendment as amended,—and Question put.

Committee divided.

Ayes, 36.

Sir Henry Parkes,
Mr. Bruce Smith,
Mr. McMillan,
Mr. Brunker,
Mr. O'Connor,
Mr. Tonkin,
Mr. Gould,
Mr. Sydney Smith,
Mr. Burns,
Mr. Wright,
Mr. Black,
Mr. Willis,
Mr. Fuller,
Mr. Ritchie,
Mr. Morton,
Mr. Bowman,
Mr. Scobie,
Mr. Clubb,
Mr. Wilshire,

Mr. Molesworth,
Mr. Crumickshank,
Mr. Alison,
Mr. Ryrie,
Mr. R. B. Wilkinson,
Mr. H. H. Brown,
Mr. Dickens,
Mr. Waddell,
Mr. Wheeler,
Mr. d'Beckett,
Mr. Teece,
Mr. Greene,
Mr. Ball,
Mr. Holborow,
Mr. Cass.
Tellers,
Mr. Haynes,
Mr. Lakeman.

Noes, 25.

Mr. Woodward,
Mr. Grahame,
Dr. Ross,
Mr. Barbour,
Mr. O'Sullivan,
Mr. Kidd,
Mr. Barnes,
Mr. Gough,
Mr. Turner,
Mr. Edmunds,
Mr. O. O. Dangar,
Mr. Cooke,
Mr. McCourt,
Mr. Stevenson,
Mr. Copeland,
Mr. Hayes,
Mr. Slattery,
Mr. Chanter,
Mr. Jones,

Mr. Dibbe,
Mr. Gormly,
Mr. Copland,
Mr. John Wilkinson,
Tellers,
Mr. Torpy,
Mr. Dawson.

Amendment agreed to.

No. 6.

SAME BILL.

Protection of
Artesian wells

Clause 45. 46. Upon application in the prescribed manner (accompanied by a deposit of ten pounds to cover the expenses in dealing therewith), for permission to bore and search for water in any land in the Western Division, held by the applicant under occupation license or annual lease, the Minister may, by notice in the *Gazette*, and some paper circulating in the district, set apart an area not exceeding ~~five thousand seven hundred and sixty ten thousand two hundred and forty acres~~ in one block on the resumed area. Upon publication of such notice the land therein described shall be held to be temporarily exempt from sale or lease under this or the Principal Act to other than the applicant, but shall not be withdrawn from the occupation license or annual lease; and within twenty-eight sixty days after such notice the applicant shall commence to bore and search for water on such land, and shall forward to the Chairman of the Land Board by registered letter notice verified by statutory declaration of his having done so; and the work of boring and searching as aforesaid shall be continued until water be found, or until it appear to the Minister that the work cannot be pursued with reasonable hope of success or profit. Within fourteen days after the discovery of water, the licensee or lessee shall, by registered letter, notify the fact to the Chairman of the Local Land Board, and the said licensee or lessee shall, on approval by the Governor, become entitled to a lease for such a term as may be determined, not exceeding the unexpired term of the current pastoral lease of the leasehold area of the pastoral holding; and the rental of such area shall be at the rate then payable upon the land held under such occupation license or annual lease. If the applicant shall fail to forward any prescribed notice, or if the Minister shall consider that the application has not been made *bona fide*, or that reasonable efforts have not been or are not being made to discover water, or that any water discovered is not sufficiently permanent, or that the quantity is not sufficiently great, he may withdraw the notice aforesaid, or the Governor may cancel the lease, and upon publication in the *Gazette* and any paper circulating in the district of notice of such withdrawal, or cancellation, the temporary exemption from sale or lease of such land, and the lease thereof, shall be held to be annulled. Provided that not

not more than one such area shall be leased under the provision of this section out of each sixty-four thousand acres of an occupation license, and not more than three such areas shall be leased hereunder in respect of one and the same occupation license. Provided further that upon approval of the Minister all artesian wells heretofore made may be brought under the provisions of this clause on application within ninety days after the passing commencement of this Act. (*Considered.*)

Motion made (*Mr. Brunker*) that the Committee disagree to the amendment in lines 5 and 6, omitting "five thousand seven hundred and sixty, and inserting ten thousand two hundred and forty,"—and Question put.

Committee divided.

Ayes, 34.

Mr. McMillan,	Mr. Teece,
Mr. Gould,	Mr. Woodward,
Mr. Brunker,	Mr. Haynes,
Mr. Torpy,	Mr. Gough,
Mr. Copeland,	Mr. Nobbs,
Mr. Bruce Smith,	Mr. H. H. Brown,
Mr. Sydney Smith,	Mr. Wilshire,
Mr. Jones,	Mr. Copland,
Mr. O'Connor,	Mr. Scobie,
Mr. Black,	Mr. Chanter,
Mr. Lakeman,	Mr. Bowman,
Mr. McCourt,	Mr. Cooke,
Mr. Cruickshank,	Dr. Ross,
Mr. Gormly,	Mr. Ball.
Mr. O. O. Dangar,	<i>Tellers,</i>
Mr. Barnes,	Mr. Grahame,
Mr. Barbour,	Mr. Turner.
Mr. John Wilkinson,	

Noes, 6.

Mr. Dawson,
Mr. O'Sullivan,
Mr. Alison,
Mr. Dickens.
<i>Tellers,</i>
Mr. Willis,
Mr. Waddell.

Amendment disagreed to.

On motion of Mr. Brunker, the Chairman left the Chair, to report that the Committee had agreed to some, disagreed to others, and amended others of the Legislative Council's amendments.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 17.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

TUESDAY, 24 SEPTEMBER, 1889.

No. 1.

SUPPLY—ADDITIONAL ESTIMATES FOR 1889.

Colonial Secretary—Miscellaneous Services.

Question put,—That there be granted to Her Majesty a sum not exceeding £489 3s. 3d. to pay Municipal Council of Young amount of subsidy to which entitled under the Municipalities Act on rates collected but not accounted for by the late Council Clerk.
The Committee divided.

Ayes, 84.

Sir Henry Parkes,	Mr. Paul,
Mr. McMillan,	Mr. Wheeler,
Mr. Sydney Smith,	Mr. Dale,
Mr. Gould,	Mr. Wilshire,
Mr. Carruthers,	Mr. Scobie,
Mr. d'Beckett,	Mr. Ritchie,
Mr. Brunker,	Mr. Tonkin,
Mr. McRae,	Mr. Mitchell,
Mr. Bruce Smith,	Mr. Roberts,
Mr. Truill,	Mr. Street,
Mr. Ewing,	Mr. Inglis,
Mr. Hogan,	Mr. O'Connor,
Mr. Copeland,	Mr. O. O. Dangar,
Mr. Abigail,	Mr. Seaver,
Mr. Gough,	Mr. Torpy,
Mr. Haynes,	Mr. Ryrie,
Mr. William Stephen,	Mr. Howe,
Mr. Wright,	Mr. McFarlane,
Mr. Colls,	Mr. Schey,
Mr. Shepherd,	Mr. Edmunds,
Mr. Turner,	Mr. Henry Clarke,
Mr. Joseph Abbott,	Mr. Slattery,
Mr. Kidd,	Mr. See,
Mr. Cullen,	Mr. Chantor,
Mr. Copland,	Mr. Cass,
Mr. Creer,	Mr. Garvan,
Mr. Nicoll,	Mr. Perry,
Mr. Cooke,	Mr. Dalton,
Mr. Dickens,	Mr. McCourt,
Mr. Hutchison (Canterbury),	Mr. Woodward,
Mr. Wyman Brown,	Mr. Ferguson,
Mr. King,	Mr. Garrard,
Mr. Lee,	Mr. Hawken,
Mr. Chapman,	Mr. Harold Stephen,
Mr. W. E. Abbott,	Mr. Teece,
Mr. Fuller,	Mr. Dowel,
Mr. Stevenson,	Mr. Grahame,
Mr. Clubb,	Mr. Wall,
Mr. Frank Smith,	Mr. Alexander Brown,
Mr. Lees,	Mr. Burdekin.
Mr. Playfair,	Tellers,
Mr. Hutchison (Glen Innes),	Mr. Dawson,

Noes, 2.

Tellers,
Mr. Willis,
Mr. Crick.

Item agreed to.

680—

No. 2.

SAME ESTIMATES.

(Same Department.)

Question proposed.—That there be granted to Her Majesty a sum not exceeding £1,000 as subsidy for inter-island Steam Communication with the New Hebrides Group.

And the Committee continuing to sit after Midnight,—

WEDNESDAY, 25 SEPTEMBER, 1889, A.M.

Question put.

Committee divided.

Ayes, 40.

Mr. Brunker,
Mr. Inglis,
Mr. Playfair,
Mr. Ritchie,
Mr. Hawthorne,
Mr. Scobie,
Mr. Fuller,
Mr. Wilshire,
Mr. Nobbs,
Mr. Frank Smith,
Mr. Paul,
Mr. d'Beckett,
Mr. Cooke,
Mr. Clubb,
Mr. Hawken,
Mr. King,
Mr. Hutchison
(Canterbury),
Mr. Chapman,
Mr. Teece,
Mr. Cullen,
Mr. McCourt,

Mr. Plumb,
Mr. Colls,
Mr. Garrard,
Mr. Dawson,
Mr. Shepherd,
Mr. Dickens,
Mr. Abigail,
Mr. Turner,
Mr. Haynes,
Mr. Tonkin,
Mr. Woodward,
Mr. McMillan,
Mr. Mitchell,
Mr. Bruce Smith,
Mr. Gould,
Mr. Carruthers,
Mr. Burdekin.
Tellers,
Mr. Kidd,
Mr. Seaver.

Noes, 24.

Mr. Torpy,
Mr. Chanter,
Mr. Alexander Brown,
Mr. Nicoll,
Mr. Gough,
Mr. Toohey,
Mr. Hutchison
(Glen Innes),
Mr. Copland,
Mr. Traill,
Mr. W. E. Abbott,
Mr. Willis,
Mr. O. O. Dangar,
Mr. Crick,
Mr. Grahame,
Mr. Edmunds,
Mr. Hogan,
Mr. Schey,
Mr. McFarlane,
Mr. Henry Clarke,
Mr. See,
Mr. Howe;

Mr. Perry.
Tellers,
Mr. Wall,
Mr. Walker.

Item agreed to.

No. 3.

SAME ESTIMATES.

(Same Department.)

Question proposed.—That there be granted to Her Majesty a sum not exceeding £5,000 for establishing Agricultural College and Experimental Farms.

Motion made (Mr. Toohey),—That the item be reduced by the sum of £4,999,—and Question put.

Committee divided.

Ayes, 11.

Mr. Dawson,
Mr. Crick,
Mr. Grahame,
Mr. Hutchison
(Glen Innes),
Mr. Chanter,
Mr. Walker,
Mr. Howe,
Mr. Wall,
Mr. Schey.
Tellers,
Mr. Toohey,
Mr. Traill.

Noes, 37.

Mr. Carruthers,
Mr. Mitchell,
Mr. McMillan,
Mr. Gould,
Mr. Bruce Smith,
Mr. Brunker,
Mr. O'Connor,
Mr. Shepherd,
Mr. Paul,
Mr. Abigail,
Mr. Clubb,
Mr. Hawthorne,
Mr. Chapman,
Mr. Plumb,
Mr. Wilshire,
Mr. Willis,
Mr. Woodward,
Mr. Cullen,
Mr. Colls,
Mr. Scobie.

Mr. Hawken,
Mr. d'Beckett,
Mr. Turner,
Mr. O. O. Dangar,
Mr. Hutchison
(Canterbury),
Mr. Ritchie,
Mr. Nobbs,
Mr. Teece,
Mr. McRae,
Mr. Kidd,
Mr. Tonkin,
Mr. Cooke,
Mr. Inglis,
Mr. Seaver,
Mr. Garrard.
Tellers,
Mr. Gough,
Mr. Frank Smith.

*Reduction negatived.**Item agreed to.*

No. 4.

SAME ESTIMATES.

(Same Department.)

Question put,—That there be granted to Her Majesty a sum not exceeding £3,500 for Pyne Park, Balmain—resumption and drainage of lowlands... Committee

Committee divided.

Ayes, 40.

Mr. Bruce Smith,	Mr. Colls,
Mr. Trail,	Mr. Clubb,
Mr. McMillan,	Mr. Grahame,
Mr. Gould,	Mr. Plumb,
Mr. Brunker,	Mr. Kidd,
Mr. O'Connor,	Mr. Hutchison
Mr. Mitchell,	(<i>Glen Innes</i>),
Mr. Paul,	Mr. Woodward,
Mr. Howe,	Mr. Cooke,
Mr. Carruthers,	Mr. Nobbs,
Mr. Ritchie,	Mr. Turner,
Mr. Shepherd,	Mr. McRae,
Mr. Scobie,	Mr. Cullen,
Mr. Hutchison	Mr. Chanter,
(<i>Canterbury</i>),	Mr. Teece,
Mr. Wilshire,	Mr. Hawken,
Mr. Frank Smith,	Mr. Seaver,
Mr. Inglis,	Mr. Garrard.
Mr. Abigail,	Tellers,
Mr. O. O. Dangor,	Mr. Willis,
Mr. Chapman,	Mr. Hawthorne.
Mr. Gough,	

Noes, 2.

Tellers,	
Mr. Toohey,	
Mr. Schey.	

Item agreed to.

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

THURSDAY, 26 SEPTEMBER, 1889.

No. 5.

CROWN LANDS BILL:—

Message from Legislative Council of 26th September.

Motion made (*Mr. Brunker*) that the Committee does not insist upon its disagreements to the Council's amendments insisted on by the Council, and agrees to the Council's amendments upon its amendments in clauses 18 and 20.

And the Committee continuing to sit after Midnight,—

FRIDAY, 27 SEPTEMBER, 1889, A.M.

And Mr. Copeland requiring the question to be put on the amendments *seriatim*,—

Question put,—That the Committee does not insist on its disagreement to the Council's amendment in clause 8, lines 30 and 31, omitting “such salary or allowances as the Governor may approve.”

Committee divided.

Ayes, 59.

Sir Henry Parkes,	Mr. Dickens,
Mr. McMillan,	Mr. Perry,
Mr. Brunker,	Mr. Willis,
Mr. Sydney Smith,	Mr. Thompson,
Mr. O'Connor,	Mr. Alison,
Mr. Roberts,	Mr. Wilshire,
Mr. Lees,	Mr. Plumb,
Mr. Gould,	Mr. Inglis,
Mr. Carruthers,	Mr. Hutchison
Mr. William Stephen,	(<i>Canterbury</i>),
Mr. A'Beckett,	Mr. Nobbs,
Mr. Fitzgerald,	Mr. Waddell,
Mr. Molesworth,	Mr. Bowman,
Mr. Joseph Abbott,	Mr. Tonkin,
Mr. Wheeler,	Mr. King,
Mr. Frank Smith,	Mr. Cullen,
Mr. Scobie,	Mr. Paul,
Mr. Dale,	Mr. Teece,
Mr. Ritchie,	Mr. Dowel,
Mr. J. P. Abbott,	Mr. Cooke,
Mr. Seaver,	Mr. T. G. Dangor,
Mr. Mitchell,	Mr. Blaek,
Dr. Ross,	Mr. Hawken,
Mr. Woodward,	Mr. R. B. Wilkinson,
Mr. Davis,	Mr. O. O. Dangor,
Mr. Haynes,	Mr. Burns,
Mr. Harley,	Mr. H. H. Brown.
Mr. Wall,	Tellers,
Mr. Greene,	Mr. Crick,
Mr. Nicoll,	Mr. Ewing.
Mr. Clubb,	

Noes, 26.

Mr. Lyne,	
Mr. Torpy,	
Mr. Creer,	
Mr. Dibbs,	
Mr. Hutchison	
(<i>Glen Innes</i>),	
Mr. Copeland,	
Mr. Trail,	
Mr. Copland,	
Mr. Gormly,	
Mr. Gough,	
Mr. Barbour,	
Mr. Jones,	
Mr. Grahame,	
Mr. Barnes,	
Mr. O'Sullivan,	
Mr. Schey,	
Mr. Howe,	
Mr. McCourt,	
Mr. Colls,	
Mr. Stevenson,	
Mr. Ryrie,	
Mr. Cruickshank,	
Mr. Harold Stephen,	
Mr. Dawson,	
Tellers,	
Mr. Hayes,	
Mr. Lakeman,	

Disagreement not insisted on.

No. 6.

No. 6.

SAME BILL.

Question put,—That the Committee does not insist on its disagreement to the Council's amendment in clause 12, lines 6 and 7, omitting "in the case of a conditional purchase or conditional lease, until four weeks after the date of such application; and in the case of a homestead lease for," and inserting "until the expiration of."

Committee divided.

Ayes, 58.

Sir Henry Parkes,	Mr. Dickens,
Mr. McMillan,	Mr. H. H. Brown,
Mr. Brunker,	Mr. Thompson,
Mr. Bruce Smith,	Mr. Hawken,
Mr. Sydney Smith,	Mr. Alison,
Mr. O'Connor,	Mr. Wilshire,
Mr. Roberts,	Mr. Plumb,
Mr. Lees,	Mr. Inglis,
Mr. Gould,	Mr. Hutchison <i>(Canterbury)</i> ,
Mr. Carruthers,	Mr. Nobbs,
Mr. William Stephen,	Mr. Waddell,
Mr. J'Beckett,	Mr. Bowman,
Mr. Fitzgerald,	Mr. Tonkin,
Mr. Woodward,	Mr. King,
Dr. Ross,	Mr. Cullen,
Mr. Mitchell,	Mr. Willis,
Mr. Seaver,	Mr. T. G. Dangar,
Mr. J. P. Abbott,	Mr. Paul,
Mr. Ritchie,	Mr. O. O. Dangar,
Mr. Dale,	Mr. Black,
Mr. Scobie,	Mr. R. B. Wilkinson,
Mr. Frank Smith,	Mr. Burns.
Mr. Wheeler,	 <i>Tellers</i> ,
Mr. Joseph Abbott,	Mr. Crick,
Mr. Molesworth,	Mr. Ewing.
Mr. Davis,	
Mr. Haynes,	
Mr. Perry,	
Mr. Greene,	
Mr. Nicoll,	
Mr. Clubb,	

Noes, 27.

Mr. Lyne,	
Mr. Torpy,	
Mr. Dibbs,	
Mr. Creer,	
Mr. Hutchison	<i>(Glen Innes)</i> ,
Mr. Copeland,	
Mr. Traill,	
Mr. Copland,	
Mr. Howe,	
Mr. Schey,	
Mr. O'Sullivan,	
Mr. Barnes,	
Mr. Graham,	
Mr. Jones,	
Mr. Barbour,	
Mr. Gough,	
Mr. Wall,	
Mr. Croickshank,	
Mr. Ryrie,	
Mr. Stevenson,	
Mr. Harold Stephen,	
Mr. Dawson,	
Mr. Gormly,	
Mr. Colls,	
Mr. McCourt.	
 <i>Tellers</i> ,	
Mr. Hayes,	
Mr. Lakeman,	

Disagreement not insisted on.

No. 7.

SAME BILL.

Question put,—That the Committee does not insist on its disagreement to the Council's amendment in clause 26, line 54, inserting "not."

Committee divided.

Ayes, 61.

Sir Henry Parkes,	Mr. Cullen,
Mr. McMillan,	Mr. King,
Mr. Brunker,	Mr. Tonkin,
Mr. Bruce Smith,	Mr. Waddell,
Mr. Sydney Smith,	Mr. Bowman,
Mr. O'Connor,	Mr. Nobbs,
Mr. Roberts,	Mr. Hutchison <i>(Canterbury)</i> ,
Mr. Lees,	Mr. Inglis,
Mr. Gould,	Mr. Wilshire,
Mr. Carruthers,	Mr. Alison,
Mr. William Stephen,	Mr. Hawken,
Mr. J'Beckett,	Mr. Plumb,
Mr. Davis,	Mr. Thompson,
Mr. Perry,	Mr. Lyne,
Mr. Dibbs,	Mr. O. O. Dangar,
Mr. Ewing,	Mr. Paul,
Mr. Greene,	Mr. Cooke,
Mr. Nicoll,	Mr. Dowel,
Mr. Clubb,	Mr. Copeland,
Mr. Dickens,	Mr. T. G. Dangar,
Mr. Woodward,	Mr. R. B. Wilkinson,
Dr. Ross,	Mr. Black,
Mr. Mitchell,	Mr. Traill,
Mr. Seaver,	Mr. Teece,
Mr. J. P. Abbott,	Mr. Ryrie,
Mr. Ritchie,	Mr. Dawson,
Mr. Dale,	Mr. Burns.
Mr. Scobie,	 <i>Tellers</i> ,
Mr. Frank Smith,	Mr. Haynes,
Mr. Wheeler,	Mr. Fitzgerald.
Mr. Joseph Abbott,	
Mr. Molesworth,	

Noes, 19.

Mr. Hutchison	<i>(Glen Innes)</i> ,
Mr. Copland,	
Mr. Graham,	
Mr. Gough,	
Mr. Jones,	
Mr. Barnes,	
Mr. O'Sullivan,	
Mr. Howe,	
Mr. Barbour,	
Mr. Torpy,	
Mr. McCourt,	
Mr. Colls,	
Mr. Gormly,	
Mr. Willies,	
Mr. Stevenson,	
Mr. Schey,	
Mr. Harold Stephen.	
 <i>Tellers</i> ,	
Mr. Wall,	
Mr. Lakeman,	

Disagreement not insisted on.

No. 8.

No. 8.

SAME BILL.

Question put,—That the Committee does not insist on its disagreement to the Council's amendment in clause 44, line 53, omitting "to him."

Committee divided.

Ayes, 56.

Sir Henry Parkes,	Mr. Bowman,
Mr. McMillan,	Mr. Tonkin,
Mr. Brunker,	Mr. King,
Mr. Bruce Smith,	Mr. Cullen,
Mr. Sydney Smith,	Mr. Willis,
Mr. O'Connor,	Mr. Crick,
Mr. Roberts,	Mr. Molesworth,
Mr. Gould,	Mr. Wheeler,
Mr. Carruthers,	Mr. Scobie,
Mr. William Stephen,	Mr. Dale,
Mr. d'Beckett,	Mr. Ritchie,
Mr. Fitzgerald,	Mr. J. P. Abbott,
Mr. Davis,	Mr. Seaver,
Mr. Perry,	Mr. Mitchell,
Mr. Haynes,	Dr. Ross,
Mr. Nicoll,	Mr. Woodward,
Mr. Ewing,	Mr. O. O. Dangar,
Mr. Thompson,	Mr. Wall,
Mr. Lees,	Mr. Cooke,
Mr. Clubb,	Mr. T. G. Dangar,
Mr. Hurley,	Mr. R. B. Wilkinson,
Mr. Dickens,	Mr. Black,
Mr. Hawken,	Mr. Teece,
Mr. Alison,	Mr. Ryrie,
Mr. Wilshire,	Mr. Burns.
Mr. Inglis,	Tellers,
Mr. Hutchison (<i>Canterbury</i>),	Mr. Frank Smith,
Mr. Nobbs,	Mr. Joseph Abbott.
Mr. Waddell,	

Noes, 28.

Tellers,	
Mr. Hayes,	Mr. Hutchison
	(<i>Glen Innes</i>),
Mr. Traill,	Mr. Dowel,
Mr. Copeland,	Mr. Barbour.
Mr. Lyne,	
Mr. Copland,	
Mr. Howe,	
Mr. O'Sullivan,	
Mr. Barnes,	
Mr. Jones,	
Mr. Gough,	
Mr. Grahame,	
Mr. Torpy,	
Mr. McCourt,	
Mr. Colls,	
Mr. Gormly,	
Mr. Wall,	
Mr. Lakeman,	
Mr. Cruickshank,	
Mr. Schey,	
Mr. Stevenson,	
Mr. Dawson,	
Mr. Plumb,	
Mr. Harold Stephen,	
Mr. Creer,	
Mr. Greene.	

Disagreement not insisted on.

No. 9.

SAME BILL.

Question put,—That the Committee does not insist on its disagreement to the Council's amendment in clause 45, lines 1 and 2, omitting "five thousand seven hundred and sixty," and inserting "ten thousand two hundred and forty."

Committee divided.

Ayes, 54.

Sir Henry Parkes,	Mr. Ewing,
Mr. McMillan,	Mr. Thompson,
Mr. Brunker,	Mr. Lees,
Mr. Bruce Smith,	Mr. Clubb,
Mr. Sydney Smith,	Mr. Dickens,
Mr. O'Connor,	Mr. Cullen,
Mr. Roberts,	Mr. King,
Mr. Gould,	Mr. Tonkin,
Mr. Carruthers,	Mr. Bowman,
Mr. William Stephen,	Mr. Waddell,
Mr. d'Beckett,	Mr. Nobbs,
Mr. Willis,	Mr. Hutchison
Mr. Woodward,	(<i>Canterbury</i>),
Dr. Ross,	Mr. Inglis,
Mr. Mitchell,	Mr. Wilshire,
Mr. Seaver,	Mr. Alison,
Mr. J. P. Abbott,	Mr. Hawken,
Mr. Ritchie,	Mr. O. O. Dangar,
Mr. Dale,	Mr. Paul,
Mr. Scobie,	Mr. T. G. Dangar,
Mr. Wheeler,	Mr. Teece,
Mr. Frank Smith,	Mr. Black,
Mr. Molesworth,	Mr. R. B. Wilkinson,
Mr. Joseph Abbott,	Mr. Burns.
Mr. Hurley,	Tellers,
Mr. Davis,	Mr. Crick,
Mr. Haynes,	Mr. Fitzgerald.
Mr. Perry,	
Mr. Nicoll,	

Noes, 28.

Tellers,	
Mr. Copeland,	Mr. Hutchison
	(<i>Glen Innes</i>),
Mr. Traill,	Mr. Lakeman,
Mr. Lyne,	Mr. Wall.
Mr. Copland,	
Mr. Dowel,	
Mr. Grahame,	
Mr. Gough,	
Mr. Jones,	
Mr. Barnes,	
Mr. O'Sullivan,	
Mr. Howe,	
Mr. Barbour,	
Mr. Torpy,	
Mr. McCourt,	
Mr. Colls,	
Mr. Gormly,	
Mr. Cooke,	
Mr. Plumb,	
Mr. Dawson,	
Mr. Stevenson,	
Mr. Schey,	
Mr. Cruickshank,	
Mr. Ryrie,	
Mr. Creer,	
Mr. Harold Stephen.	

Disagreement not insisted on.

No. 10.

SAME BILL,

Question put,—That the Committee does not insist on its disagreement to the Council's amendment omitting clause 48.

Committee divided.

Ayes, 49.

Mr. McMillan,
Mr. Carruthers,
Mr. O'Connor,
Mr. Gould,
Mr. Brunker,
Sir Henry Parkes,
Mr. Sydney Smith,
Mr. Roberts,
Mr. Seaver,
Mr. William Stephen,
Mr. Bruce Smith,
Mr. Perry,
Mr. J. P. Abbott,
Mr. Ritchie,
Mr. Inglis,
Mr. Burns,
Mr. Mitchell,
Mr. Dale,
Mr. Scobie,
Mr. & Beckett,
Mr. Ewing,
Mr. Wheeler,
Mr. Crick,
Mr. Paul,
Mr. Joseph Abbott,
Mr. Willis,

Mr. Waddell,
Mr. Dickens,
Mr. Clubb,
Mr. Davis,
Mr. Alison,
Mr. Woodward,
Mr. Cullen,
Mr. Bowman,
Mr. King,
Mr. Nobbs,
Mr. Lees,
Mr. Haynes,
Mr. Hutchison
(Canterbury).
Mr. Molesworth,
Mr. Frank Smith,
Mr. Wilshire,
Mr. Hawken,
Mr. O. O. Dangar,
Mr. T. G. Dangar,
Mr. Teece,
Mr. Thompson.
Tellers,
Mr. R. B. Wilkinson,
Mr. Fitzgerald.

Noes, 33.

Mr. Hayes,
Mr. Copeland,
Mr. Lyne,
Mr. Dibbs,
Mr. Traill,
Mr. Tunkin,
Mr. Gormly,
Mr. Hutchison
(Glen Innes),
Mr. Barbour,
Mr. Wall,
Mr. Torpy,
Mr. McCourt,
Mr. Gough,
Mr. Grahame,
Mr. Howe,
Mr. O'Sullivan,
Mr. Creer,
Mr. Jones,
Mr. Lakeman,
Mr. Nicoll,
Mr. Dowel,
Mr. Barnes,
Mr. Stevenson,
Mr. Schey,
Mr. Greene,

Mr. Plumb,
Mr. Cooke,
Mr. Ryrie,
Mr. Colls,
Mr. Harold Stephen,
Mr. Cruicksank.
Tellers,
Mr. Hurley,
Mr. Dawson.

Disagreement not insisted on.

On motion of Mr. Brunker, the Chairman left the Chair to report that the Committee does not insist on its disagreements from the Council's amendments insisted on by the Council, and agrees to the Council's amendments upon its amendments in clauses 18 and 20.

FRIDAY, 27 SEPTEMBER, 1889.

No. 11.

MINING BILL.

Authority to
mine on
purchased or
leased land.

Clause 2. Any Crown Land which, after the commencement of this Act, shall be sold conditionally or by auction or in virtue of improvements or otherwise, and any Crown Land which has been or shall hereafter be leased conditionally under the "Crown Lands Act of 1884," or any Act amending the same, shall be subject to the following conditions, namely:—Any person specially authorized in the prescribed manner by the Minister shall, on depositing a sum of money as prescribed to cover the cost of repairing any damage done to "the surface of" the land, be at liberty to dig and search for gold or other minerals within such "land," and should it be found to contain gold or other minerals, or any substance which the Governor shall declare by proclamation a mineral, the Governor may cancel wholly or in part the sale or lease of such land, and upon the notification thereof in the *Gazette* the proprietor shall be entitled to compensation for the value of the land or of his interest therein (as the case may be), and of the improvements thereon (as appraised by the Land Board, subject to appeal in accordance with the "Crown Lands Act of 1884," or any Act amending the same), but exclusive of the value of gold or other minerals therein, and such land shall thereupon become Crown Land within the meaning of the Mining Act 1874," or any Act amending the same, and shall be reserved from sale or lease until such reservation be revoked by the Governor. Provided that the person so specially authorized by the Minister to dig and search for gold or other minerals, upon satisfying the Minister that he has complied with all the conditions of such authority shall, on the appearance of such notification in the *Gazette*, be deemed to be the first applicant for a claim or lease of such land or a portion thereof, and the date of such application shall be reckoned from the day of publication of such notification in the *Gazette*, but in other respects as to labour conditions, and other matters, such application will be dealt with subject to the regulations in force for the time being authorizing the occupation of Crown Lands for mining purposes. (*Read.*)

Motion made (*Mr. Crick*) to omit from line 7 the words "the surface of"

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

Committee

Committee divided.

Ayes, 72.

Sir Henry Parkes,	Mr. Molesworth,
Mr. Bruce Smith,	Mr. McRae,
Mr. McMillan,	Mr. Wilshire,
Mr. Sydney Smith,	Mr. Scobie,
Mr. Gould,	Mr. Bowman,
Mr. Carruthers,	Mr. Dale,
Mr. Brunker,	Mr. Playfair,
Mr. See,	Mr. Hugh Taylor,
Mr. O'Connor,	Mr. Inglis,
Mr. Nicoll,	Mr. Howe,
Mr. Paul,	Mr. Willis,
Mr. Martin,	Mr. Davis,
Mr. Grahame,	Mr. Hurley,
Mr. Ritchie,	Mr. Stokes,
Mr. Abigail,	Mr. Barnes,
Mr. Wall,	Mr. Barbour,
Mr. Chapman,	Mr. Woodward,
Mr. O'Sullivan,	Mr. Garvan,
Mr. King,	Mr. Ewing,
Mr. Perry,	Mr. Henry Clarke,
Mr. Gormly,	Mr. Dowel,
Mr. Plumb,	Mr. Goodchap,
Mr. Thompson,	Mr. Stevenson,
Mr. Torpy,	Mr. Beckett,
Mr. Joseph Abbott,	Mr. Gough,
Mr. Alfred Allen,	Mr. Teece,
Mr. Fuller,	Mr. Kidd,
Mr. Hutchison <i>(Glen Innes),</i>	Mr. Walker,
Mr. Copland,	Mr. O. O. Dangar,
Mr. Wyman Brown,	Mr. Frank Smith,
Mr. McCourt,	Mr. Lyne,
Mr. Cooke,	Mr. Schey,
Mr. Hawken,	Mr. Cruickshank.
Mr. Wright,	Tellers,
Mr. Jones,	Mr. Hawthorne,
Mr. Copeland,	Mr. Cullen.
Mr. Creer,	

Words stand.

No. 12.

SAME BILL.

(Same Clause.)

Motion made (*Mr. Crick*) to insert after "land" in line 8 the words, "after notice thereof to the owner and occupier and report by the Warden" and question put.

Committee divided.

Ayes, 4.

Mr. Turner,
Mr. Crick.
Tellers,
Mr. Walker,
Mr. Seaver.

Noes, 67.

Mr. Schey,	Mr. Gough,
Mr. Howe,	Mr. Hawthorne,
Mr. Chanter,	Mr. Hutchison
Mr. John Wilkinson,	<i>(Canterbury),</i>
Mr. Lyne,	Mr. O. O. Dangar,
Mr. Copland,	Mr. Bowman,
Mr. Gould,	Mr. Dawson,
Mr. Wright,	Mr. Carruthers,
Mr. Sydney Smith,	Mr. Abigail,
Mr. O'Sullivan,	Mr. McRae,
Mr. Grahame,	Mr. Perry,
Mr. Brunker,	Mr. Dowel,
Mr. W. E. Abbott,	Mr. Hawken,
Mr. O'Connor,	Mr. Cullen,
Mr. Bruce Smith,	Mr. Gormly,
Mr. Cruickshank,	Sir Henry Parkes,
Mr. McMillan,	Mr. Creer,
Mr. Davis,	Mr. Jones,
Mr. Frank Smith,	Mr. Barnes,
Mr. Wyman Brown,	Mr. Barbour,
Mr. Playfair,	Mr. Stokes,
Mr. Martin,	Mr. Teece,
Mr. Wilshire,	Mr. McFarlane,
Mr. Scobie,	Mr. Plumb,
Mr. Colls,	Mr. Dalton,
Mr. Kidd,	Mr. Dale,
Mr. Paul,	Mr. Torpy,
Mr. King,	Mr. Joseph Abbott,
Mr. Hurley,	Mr. Waddell,
Mr. Molesworth,	Mr. Dickens,
Mr. Alfred Allen,	Mr. Fuller,
Mr. Wall,	Tellers,
Mr. Woodward,	Mr. Chapman,
Mr. Cooke,	Mr. Harold Stephen.
Mr. McCourt,	

Insertion of words proposed negatived.

Clause, as read, agreed to.

On motion of Mr. Sydney Smith, the Chairman left the Chair to report the Bill with amendments to the House.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 18.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

MONDAY, 30 SEPTEMBER, 1889.

No. 1.

SUPPLY—ADDITIONAL ESTIMATES.

Public Instruction.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £26,563 6s. for the Department of Public Instruction.

Motion made (*Mr. Crick*),—That the item “Museum.—Contingencies—For the purchase of a special collection of Minerals from the Melbourne Centennial Exhibition, the preparation of Catalogues, and the purchase of Books, £550,”—be omitted.

Question put,—That the item be omitted.
Committee divided.

Ayes, 6.

Mr. Wall,
Mr. Walker,
Mr. Schey,
Mr. Toohey.
Tellers,
Mr. Gormly,
Mr. Hutchison
(*Glen Innes*).

Noes, 78.

Sir Henry Parkes,
Mr. Howe,
Mr. Nicoll,
Mr. Wright,
Mr. O'Connor,
Mr. Brunner,
Mr. O'Sullivan,
Mr. Chanter,
Mr. McMillan,
Mr. Sydney Smith,
Mr. William Stephen,
Mr. Carruthers,
Mr. Frank Smith,
Mr. Abigail,
Mr. O. O. Dangar,
Mr. Clubb,
Mr. Garrard,
Mr. Turner,
Mr. Stevenson,
Mr. Dowel,
Mr. Hawthorne,
Mr. Lees,
Mr. Playfair,
Mr. T. G. Dangar,
Mr. Holborow,
Mr. Shepherd,
Mr. Dale,
Mr. Joseph Abbott,
Mr. Woodward,
Mr. Dalton,
Mr. Torpy,
Mr. Sookes,
Mr. Waddell,
Mr. Wyman Brown,
Mr. Haynes,
Mr. Davis,
Mr. Hurley,
Mr. Kidd,
Mr. Cooke,
Mr. McFarlane,
Mr. Seaver,

Mr. Barnes,
Mr. Gould,
Mr. Traill,
Mr. Roberts,
Mr. Wilshire,
Mr. Jones,
Mr. Grahame,
Dr. Ross,
Mr. Garvan,
Mr. Copeland,
Mr. Wheeler,
Mr. Scobie,
Mr. Fuller,
Mr. Levien,
Mr. Bassall,
Mr. Chapman,
Mr. Frank Farnell,
Mr. Bruce Smith,
Mr. Greene,
Mr. à Beckett,
Mr. King,
Mr. R. B. Wilkinson,
Mr. Burrie,
Mr. Henry Clarke,
Mr. Teece,
Mr. Hutchison
(*Canterbury*),
Mr. Cass,
Mr. Plumb,
Mr. Hogan,
Mr. See,
Mr. Dawson,
Mr. Harold Stephen,
Mr. H. H. Brown,
Mr. Inglis,
Mr. John Wilkinson.

Tellers,
Mr. McRae,
Mr. Cullen.

Omission of item negatived.

Vote as proposed (£26,563 6s.), agreed to.

698—

No. 2.

No. 2.

SAME ESTIMATES.

Administration of Justice.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £16,738 5s. 1d. for the Department of Administration of Justice.

Motion made (*Mr. Copeland*),—That the item under Miscellaneous Services “Gratuity to Sir J. C. Read, Bart., for services performed in the Police Force prior to his transference to the Prisons Department, £400,”—be omitted.

And the Committee continuing to sit after Midnight,—

TUESDAY, 1 OCTOBER, 1889, A.M.

Question put,—That the item be omitted.
Committee divided.

Ayes, 9.

Mr. Traill,
Mr. Chanter,
Mr. Copeland,
Mr. Wright,
Mr. Hutchison
(Glen Innes),
Mr. Gormly,
Mr. Garrard.

Tellers,
Mr. Crick,
Mr. Walker.

Noes, 56.

Sir Henry Parkes,
Mr. Howe,
Mr. Levien,
Mr. Dibble,
Mr. Gould,
Mr. Brunker,
Mr. Schey,
Mr. Bruce Smith,
Mr. O. O. Dangar,
Mr. Sydney Smith,
Mr. McFarlane,
Mr. Waddell,
Mr. Grahame,
Dr. Ross,
Mr. Nicoll,
Mr. Torpy,
Mr. O'Sullivan,
Mr. Jones,
Mr. Kidd,
Mr. Wilshire,
Mr. Alexander Brown,
Mr. Garvan,
Mr. Carruthers,
Mr. McCourt,
Mr. Cooke,
Mr. Dale,
Mr. Shepherd,
Mr. Reid,
Mr. McMillan,
Mr. Fuller,

Mr. O'Connor,
Mr. Hawthorne,
Mr. Stevenson,
Mr. Barnes,
Mr. Cullen,
Mr. Stokes,
Mr. Æ Beckett,
Mr. Scobie,
Mr. Greene,
Mr. Bowman,
Mr. Joseph Abbott,
Mr. Woodward,
Mr. Molesworth,
Mr. Playfair,
Mr. Willis,
Mr. Seaver,
Mr. H. H. Brown,
Mr. Teece,
Mr. Hutchison
(Canterbury),
Mr. Chapman,
Mr. Plumb,
Mr. Hawken,
Mr. Roberts,
Mr. Harold Stephen.

Tellers,
Mr. Cruicksbank,
Mr. Haynes.

Omission of item negatived.

No. 3.

SAME ESTIMATES.

(Same Department.)

Motion made (*Mr. Copeland*),—That the item under Miscellaneous Services “To meet the abatement which should, in terms of the Civil Service Act, be deducted from the Pension to W. E. Plunkett, late Under Secretary of Justice, £801 5s. 4d.”—be omitted.

Question put,—That the item be omitted.
Committee divided.

Ayes, 17.

Mr. Traill,
Mr. Walker,
Mr. Schey,
Mr. Chanter,
Mr. Wright,
Mr. Copeland,
Mr. Hutchison
(Glen Innes),
Mr. Crick,
Mr. O'Sullivan,
Mr. Gormly,
Mr. Cruicksbank,
Mr. McFarlane,
Mr. Waddell,
Mr. McCourt,
Mr. Howe.

Tellers,
Mr. Barnes,
Mr. O. O. Dangar.

Noes, 53.

Sir Henry Parkes,
Mr. Levien,
Mr. Carruthers,
Mr. Seaver,
Mr. H. H. Brown,
Mr. Gould,
Mr. Brunker,
Mr. McMillan,
Mr. Sydney Smith,
Mr. Plumb,
Mr. Bruce Smith,
Mr. Garrard,
Mr. Grahame,
Dr. Ross,
Mr. Nicoll,
Mr. Ritchie,
Mr. Torpy,
Mr. Jones,
Mr. Hugh Taylor,
Mr. O'Connor,
Mr. Wilshire,
Mr. Kidd,
Mr. Alexander Brown,
Mr. Cullen,
Mr. Garvan,
Mr. Playfair,
Mr. Hogan,
Mr. Henry Clarke,

Mr. Stevenson,
Mr. Shepherd,
Mr. Reid,
Mr. Haynes,
Mr. See,
Mr. Nobbs,
Mr. Stokes,
Mr. Cooke,
Mr. Æ Beckett,
Mr. Woodward,
Mr. Scobie,
Mr. Bowman,
Mr. Greene,
Mr. Joseph Abbott,
Mr. Molesworth,
Mr. Dawson,
Mr. Harold Stephen,
Mr. Roberts,
Mr. Teece,
Mr. Hawken,
Mr. Hutchison
(Canterbury),
Mr. Chapman,
Mr. Hawthorne.

Tellers,
Mr. Fuller,
Mr. Dale.

Omission of item negatived.

Vote as proposed (£16,738 5s. 1d.), agreed to.

No. 4.

No. 4.

SAME ESTIMATES.

Secretary for Public Works.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £89,106 19s. 10d. for the Department of Secretary for Public Works.

Motion made (*Mr. Bruce Smith*),—That the item under Colonial Architect's Department, Public Works and Buildings, Erection of Broken Hill Post and Telegraph Office, £4,500, be omitted.

Question put.—That the item be omitted.

Committee divided.

Ayes, 45.

Mr. McMillan,
Mr. Sydney Smith,
Mr. Bruce Smith,
Mr. Gould,
Mr. O'Connor,
Mr. Carruthers,
Mr. Brunker,
Sir Henry Parkes,
Mr. Playfair,
Mr. 'Beckett,
Mr. Greene,
Mr. Hutchison
(Glen Innes),
Mr. H. H. Brown,
Mr. Garvan,
Mr. Joseph Abbott,
Mr. Seaver,
Mr. Cruickshank,
Mr. McRae,
Mr. Fuller,
Mr. Stevenson,
Mr. Kidd,
Mr. Hawken,
Mr. Scobie,
Mr. Woodward,

Mr. McCourt,
Mr. Teece,
Mr. Garrard,
Mr. Dale,
Mr. Cullen,
Mr. Nobbs,
Mr. Molesworth,
Mr. O. O. Dangar,
Mr. Bowman,
Mr. Hogan,
Mr. Ritchie,
Dr. Ross,
Mr. Cooke,
Mr. Alexander Brown,
Mr. Roberts,
Mr. Wilshire,
Mr. Chapman,
Mr. Hutchison
(Canterbury),
Mr. Plumb,
Tellers,
Mr. Hawthorne,
Mr. Waddell.

Noes, 20.

Mr. Nicoll,
Mr. See,
Mr. Lyne,
Mr. Wright,
Mr. Chanter,
Mr. Schey,
Mr. Grahame,
Mr. Gormly,
Mr. Dawson,
Mr. Harold Stephen,
Mr. Torpy,
Mr. Howe,
Mr. O'Sullivan,
Mr. Barnes,
Mr. Jones,
Mr. McFarlane,
Mr. Goodchap,
Mr. Crick.

Tellers,

Mr. Walker,
Mr. Willis.

Item omitted.

And the vote having been further reduced,—

Vote as reduced (£68,056 19s. 10d.), agreed to.

No. 5.

SAME ESTIMATES.

*Colonial Secretary—Miscellaneous Services.**(Postponed Item.)*

Question proposed,—That there be granted to Her Majesty a sum not exceeding £1,102 10s., "Remuneration to Mr. John Davies, from 2nd May to 30th December, 1887, for services as Chairman of the late Casual Labour Board, in addition to allowance paid to him for travelling expenses."

And in the course of debate Mr. Dibbs, having used words complained of by Mr. Garrard as personally offensive to him as a Member of the House, withdrew the words when called upon to do so by the Chairman. Mr. Garrard, however, further demanded that Mr. Dibbs should apologize for the words. The Chairman stated that he had not called on Mr. Dibbs to apologize, and did not consider an apology was required.

Whereupon Mr. Garrard moved,—"That the Chairman leave the Chair and report the following Point of Order to the House, and ask leave to sit again when the Point of Order has been decided, viz., the Honorable Member for Murrumbidgee, Mr. Dibbs, having in his speech in Committee made use of language which the Honorable Member for Balmain, Mr. Garrard, took to be personally offensive, he asked that the words should be withdrawn and an apology made, the Chairman ruled that Mr. Dibbs having withdrawn the words, and he, the Chairman, not having requested an apology, in his opinion it was not needed"—and Question put.

Committee divided.

Ayes, 36.

Mr. McMillan,
Mr. Brunker,
Mr. Sydney Smith,
Mr. Bruce Smith,
Sir Henry Parkes,
Mr. Gould,
Mr. Ritchie,
Mr. 'Beckett,
Mr. Garrard,
Mr. Seaver,
Mr. Roberts,
Mr. Playfair,
Mr. Hugh Taylor,
Mr. Carruthers,
Mr. Dale,
Mr. O'Connor,
Mr. Shepherd,
Mr. Teece,
Mr. Scobie,
Mr. Bowman,

Mr. Cullen,
Mr. Haynes,
Mr. Nobbs,
Mr. Hawken,
Mr. Hutchison
(Canterbury),
Mr. Greene,
Mr. McCourt,
Mr. Cooke,
Mr. O. O. Dangar,
Mr. Fuller,
Mr. Plumb,
Mr. Molesworth,
Mr. Wilshire,
Mr. Woodward,
Tellers,
Mr. Joseph Abbott,
Mr. Kidd.

Noes, 27.

Mr. Wright,
Mr. Garvan,
Mr. Copeland,
Mr. Lyne,
Mr. Alexander Brown,
Mr. Chanter,
Mr. Traill,
Mr. Hutchison
(Glen Innes),
Mr. Schey,
Mr. Waddell,
Mr. Dibbs,
Mr. Gormly,
Mr. Cruickshank,
Mr. Howe,
Mr. Goodchap,
Mr. Levien,
Mr. O'Sullivan,
Mr. Crick,
Mr. Walker,

Resolution agreed to.

The Chairman left the Chair to report accordingly.

THURSDAY, 3 OCTOBER, 1889.

No. 6.

SAME ESTIMATES.

(Same Postponed Item.)

Question again stated,—That there be granted to Her Majesty a sum not exceeding £1,102 10s., “Remuneration to Mr. John Davies, from 2nd May to 30th December, 1887, for services as Chairman of the late Casual Labour Board, in addition to allowance paid to him for travelling expenses,” upon which Mr. Dibbs had moved,—That the item be reduced by the sum of £1,100.

Question put,—That the item be reduced by £1,100.

Committee divided.

Ayes, 28.

Mr. Dibbs,
Mr. Chanter,
Mr. Garvan,
Mr. Alexander Brown,
Mr. Copland,
Mr. Crick,
Mr. Lyne,
Mr. Wright,
Mr. Walker,
Mr. Hutchison
(*Glen Innes*),
Mr. Toohey,
Mr. Howe,
Mr. Schey,
Mr. Cruickshank,
Mr. W. E. Abbott,
Mr. Cass,
Mr. Barbour,
Mr. Barnes,
Mr. Gormly,
Mr. McFarlane,
Mr. Dickens,
Mr. Torpy,

Mr. Wall,
Mr. Dawson,
Mr. Nicoll,
Mr. Sec.
Tellers,
Mr. Willis,
Mr. Harold Stephen.

Noes, 42.

Sir Henry Parkes,
Mr. McMillan,
Mr. Gould,
Mr. Brunker,
Mr. Bruce Smith,
Mr. Carruthers,
Mr. Reid,
Mr. Sydney Smith,
Mr. Clubb,
Mr. Frank Smith,
Mr. Abigail,
Mr. Fuller,
Mr. Greene,
Mr. Wilshire,
Mr. Hutchison
(*Canterbury*),
Mr. Ritchie,
Mr. Martin,

Mr. O'Connor,
Mr. Wheeler,
Mr. Lees,
Mr. Hawthorne,
Mr. Haynes,
Mr. Kidd,
Mr. Garrett,
Mr. Sydney Smith,
Mr. Plumb,
Mr. Roberts,
Mr. Teecr,
Mr. Shepherd,
Mr. Paul,
Mr. Cooke,
Mr. Clubb,
Mr. Woodward,
Mr. Scobie,
Mr. R. B. Wilkinson,
Mr. Mitchell,
Tellers,
Mr. McCourt,
Mr. Turner.

Proposed reduction negatived.

And the Committee continuing to sit after Midnight,—

FRIDAY, 4 OCTOBER, 1889, A.M.

No. 7.

SAME ESTIMATES.

(Same Postponed Item.)

And a reduction of the item by £602 10s., moved by Mr. Reid, having been negatived,—

Motion made (*Mr. Haynes*),—That the Question be now put.

Question put,—That the Question be now put.

Committee divided.

Ayes, 43.

Sir Henry Parkes,
Mr. McMillan,
Mr. Gould,
Mr. Brunker,
Mr. O'Connor,
Mr. Sydney Smith,
Mr. Bruce Smith,
Mr. Street,
Mr. Paul,
Mr. Carruthers,
Mr. Haynes,
Mr. Hawthorne,
Mr. H. H. Brown,
Mr. Garrett,
Mr. Ritchie,
Mr. Hugh Taylor,
Mr. Bowman,
Mr. Hutchison
(*Canterbury*),
Mr. Dale,
Mr. McCourt,
Mr. Wilshire,
Mr. Scobie,

Mr. Woodward,
Mr. Clubb,
Mr. Martin,
Mr. Abigail,
Mr. King,
Mr. Fuller,
Mr. Garrard,
Mr. Alfred Allen,
Mr. Kidd,
Mr. Dickens,
Mr. Waddell,
Mr. Reid,
Mr. Tocce,
Mr. Greene,
Mr. Cooke,
Mr. Leces,
Mr. Frank Smith,
Mr. Stokes,
Mr. Chapman,
Tellers,
Mr. O. O. Dangar,
Mr. Plumb.

Noes, 31.

Mr. Torpy,
Mr. Traill,
Mr. John Wilkinson,
Mr. Willis,
Mr. Hutchison
(*Glen Innes*),
Mr. Slattery,
Mr. Dibbs,
Mr. Wall,
Mr. Toohey,
Mr. Nicoll,
Mr. Crick,
Mr. Schey,
Mr. Wright,
Mr. Howe,
Mr. Chanter,
Mr. Alexander Brown,
Mr. Creer,
Mr. Henry Clarke,
Mr. Barbour,
Mr. Copland,
Mr. Barnes,
Mr. Macfarlane,

And it appearing by the Tellers' lists that the majority in favour of the motion consisted of “at least forty members,”—

Question agreed to.

No. 8.

No. 8.

SAME ESTIMATES.

(Same Postponed Item.)

Question put,—That there be granted to Her Majesty a sum not exceeding £1,102 10s., “Remuneration to Mr. John Davies, from 2nd May to 30th December, 1887, for services as Chairman of the late Casual Labour Board, in addition to allowance paid to him for travelling expenses.”

Committee divided.

Ayes, 38.

Sir Henry Parkes,	Mr. Lees,
Mr. McMillan,	Mr. Frank Smith,
Mr. Gould,	Mr. Woodward,
Mr. Bruncker,	Mr. Scobie,
Mr. O'Connor,	Mr. Wilshire,
Mr. Sydney Smith,	Mr. McCourt,
Mr. Bruce Smith,	Mr. Dale,
Mr. Street,	Mr. Hutchison <i>(Canterbury)</i> ,
Mr. Paul,	Mr. Hugh Taylor,
Mr. Carruthers,	Mr. Ritchie,
Mr. Haynes,	Mr. Garrett,
Mr. Hawthorne,	Mr. H. H. Brown,
Mr. Clubb,	Mr. O. O. Dangar,
Mr. Martin,	Mr. Plumb,
Mr. Abigail,	Mr. Chapman.
Mr. King,	
Mr. Fuller,	<i>Tellers,</i>
Mr. Kidd,	Mr. Mitchell,
Mr. Teece,	Mr. Allen.
Mr. Greene,	
Mr. Cooke,	

Item agreed to.

No. 9.

SAME ESTIMATES.

Colonial Secretary—Miscellaneous Services.

(Postponed Item).

Question proposed,—That there be granted to Her Majesty a sum not exceeding £4,644 5s. 11d., “Expenses in connection with the Casual Labour Board Inquiry Commission.”

Motion made (Mr. Waddell),—That the item be reduced by the sum of £1,401 15s.,—and Question put.

Committee divided.

Ayes, 35.

Mr. Copland,	Mr. Schey,
Mr. Garrard,	Mr. Kidd,
Mr. Clubb,	Mr. Turner,
Mr. Hutchison <i>(Glen Innes)</i> ,	Mr. Greene,
Mr. Hawthorne,	Mr. Cooke,
Mr. Perry,	Mr. Joseph Abbott,
Mr. Haynes,	Mr. Lee,
Mr. Colls,	Mr. Wheeler,
Mr. Hayes,	Mr. Woodward,
Mr. Hawken,	Mr. Dale,
Mr. McRae,	Mr. Teece,
Mr. Waddell,	Mr. O. O. Dangar,
Mr. McCourt,	Mr. Plumb,
Mr. Cass,	Mr. Seaver,
Mr. Stevenson,	Mr. Wilshire.
Mr. Gormly,	
Mr. Nicoll,	<i>Tellers,</i>
Mr. See,	Mr. Cruickshank,
	Mr. Paul.

*Reduction agreed to.**Item, as reduced (£3,242 10s. 11d.), agreed to.*

And the Committee continuing to sit after Midnight,—

Noes, 12.

Mr. John Wilkinson,
Mr. Walker,
Mr. Gormly,
Mr. Lakeman,
Mr. Copland,
Mr. Seaver,
Mr. W. E. Abbott,
Mr. Alison,
Mr. Dawson,
Mr. Dickens.
<i>Tellers,</i>
Mr. Waddell,
Mr. Stokes.

Noes, 15.

Sir Henry Parkes,
Mr. Carruthers,
Mr. Sydney Smith,
Mr. McMillan,
Mr. Bruce Smith,
Mr. Bruncker,
Mr. O'Connor,
Mr. Wright,
Mr. Lyne,
Mr. Dibbs,
Mr. Goodchap,
Mr. Slattery,
Mr. Garvan.
<i>Tellers,</i>
Mr. Mitchell,
Mr. Walker.

SATURDAY, 5 OCTOBER, 1889, A.M.

On motion of Mr. McMillan, the Chairman left the Chair to report progress and ask leave to sit again, and also to report Resolutions to the House.

No. 10.

APPROPRIATION BILL.

Clause III—COLONIAL SECRETARY—(Read.)

Motion made (Mr. Dibbs),—That the clause be amended by the omission of the item No. 161.

“Item 161. Remuneration to Mr. John Davies, from 2nd May to 30th December, 1887, for services as Chairman of the late Casual Labour Board, in addition to allowance paid to him for travelling expenses, £1,102 10s. Od.”

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

Committee

Committee divided.

Ayes, 34.

Sir Henry Parkes,	Mr. Lee,
Mr. McMillan,	Mr. Cooke,
Mr. Sydney Smith,	Mr. Dale,
Mr. O'Conor,	Mr. Lees,
Mr. Brunker,	Mr. Wilshire,
Mr. Bruce Smith,	Mr. Woodward,
Mr. Gould,	Mr. H. H. Brown,
Mr. Paul,	Mr. Wheeler,
Mr. Carruthers,	Mr. Haynes,
Mr. Seaver,	Mr. Teece,
Mr. Greene,	Mr. Street,
Mr. Abigail,	Mr. Fuller,
Mr. King,	Mr. Hugh Taylor,
Mr. Clubb,	Mr. Garrett.
Mr. Plumb,	<i>Tellers,</i>
Mr. R. B. Wilkinson,	
Mr. Hawken,	Mr. Nobbs,
Mr. Hawthorne,	Mr. O. O. Dangar.

Noes, 24.

Mr. John Wilkinson,	Mr. Edmunds,
Mr. Creer,	Mr. Dalton,
Mr. Dibbs,	Mr. Traill,
Mr. See,	Mr. Garvan,
Mr. Wright,	Mr. Howe.
Mr. Chanter,	<i>Tellers,</i>
Mr. Hutchison	
(<i>Glen Innes</i>),	Mr. Wall,
Mr. Stevenson,	Mr. Hassall.
Mr. Dowel,	
Mr. Lakeman,	
Mr. Playfair,	
Mr. Harold Stephen,	
Mr. Dawson,	
Mr. Walker,	
Mr. Henry Clarke,	
Mr. Lyne,	
Mr. Schey,	

Words stand.

Clause, as read, agreed to.

And the remaining clauses of the Bill having been agreed to,—

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

1889.

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.
1889. Feb. 28 ...	Certain free selectors of Inverell.	Two hundred and thirty-five.	Mr. Cruickshank	Representing that in consequence of the drought, Petitioners have been unable to obtain any return for their labour; and praying the House to pass a Bill for the purpose of either remitting or postponing the payment of instalments and interest on their respective selections.

Legislative Assembly Offices,
Sydney, 1st March, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

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.
1889. March 6 ...	Fruitgrowers, exporters of fruit, and others interested in the fruit industry.	Eight hundred and sixty-nine.	Mr. Nobbs	Praying the House to take immediate steps to provide increased fruit market accommodation.
" ...	John Fitzgerald Burns ...	One	Mr. Gould	Praying the House to appoint a Select Committee to complete the inquiry into the work of the unemployed on the roads at Hornsby.

Legislative Assembly Offices,
Sydney, 8th March, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 3.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1889. April 2 ...	Excelsior Land Investment and Building Company and Bank (Limited).	Three.....	Mr. Stevenson	Praying for leave to introduce the Toronto Tramway Bill.
," ..	Barrier Ranges and Broken Hill Water Supply Company (Limited).	Four	Mr. J. P. Abbott.....	Praying for leave to introduce the Broken Hill Water Supply Bill.
," ..	Illawarra Harbour and Land Corporation (Limited).	Two	Mr. Sutherland	Praying for leave to introduce the Illawarra Harbour and Land Corporation Bill.

Legislative Assembly Offices,
Sydney, 4th April, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

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.
1889. 9 April ...	Silverton Tramway Company (Limited).	Four	Mr. J. P. Abbott.....	Praying for leave to introduce the Silverton Tramway Extension Bill.
10 " "	Alexander Rogers, Chairman of meeting at Attunga.	One	Mr. Levien	Representing that the farmers in the district of Tamworth are holders of conditional purchases on which one year's interest is now due, and that, in consequence of the recent drought, they are unable to pay it; and praying the House to take their case into favourable consideration.
11 " "	Richard Tilden Smith, of Sydney, and John Thomas Mance, of Parramatta.	Two	Mr. Stevenson	Praying for leave to introduce the Silkstone Coal-mine Railway Bill.

Legislative Assembly Offices,
Sydney, 11 April, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

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.
1889. April 16 ...	Henry Ricketson, of Barratta Station.	One	Mr. Lamb.....	Praying to be heard by Counsel or Attorney before Select Committee sitting upon "Conditional Purchases made upon Barratta Run."
,, 16 ...	Mayor and Aldermen of the Borough Council of Grafton.	Twelve	Mr. McFarlane	Praying the House in passing the Fire Brigades Act Amendment Bill, to make provision to enable the country towns to withdraw from the operation thereof.
,, 17 ...	Certain Crown Lessees, Conditional Purchasers, Merchants, and others.	Two hundred and sixty-five.	Mr. T. G. Dangar....	Praying the House to make certain alterations in the Land Act.
,, 17 ...	Augustus R. Fraser, Chairman of the Tenterfield Pastures and Stock Protection and Sheep Board	One	Mr. Lee.....	Condemning the working of the "Rabbit Nuisance Act of 1883," and praying the House to adopt other principles.

Legislative Assembly Offices,
Sydney, 17th April, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 6.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1889. April 24 ...	Mahlow Clarke Cowlishaw, James Burns, and Charles Frederick Stokes.	Three.....	Mr. Cullen	Praying for leave to introduce the New South Wales Tramway Company's Bill.
,, 24 ...	Certain inhabitants of Broken Hill and District.	Seventeen	Mr. Seaver	Praying the House not to pass the Broken Hill Water Supply Bill.
,, 25 ...	Municipal Council of Sydney.	Two	Mr. Chapman	Praying the House not to pass the New South Wales Tramway Company's Bill.

Legislative Assembly Offices,
Sydney, 25th April, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

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 OR PRAYER.
1889. 1 May ...	Mayor and Aldermen of Bathurst.	Eleven	Mr. Paul	Praying for leave to introduce the Bathurst Cattle Sale-Yards Bill.
2 " "	Certain Jurors and Residents of the Town and District of Deniliquin.	One hundred and forty-seven.	Mr. Chanter	Praying the House to cause the Minister of Justice to make inquiries with reference to certain remarks made by his Honor Mr. Justice Windeyer at the Circuit Court at Wagga Wagga.
2 " "	Cecil Bloxsome, Chairman of the Glen Innes Pastures and Stock Protection Board.	One	Mr. Wright	Praying the House to repeal the Rabbit Nuisance Act of 1883.

Legislative Assembly Offices,
Sydney, 2 May, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

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.
1889. May 8	Henry Glasson, Chairman of the Carcoar Pastures and Stock Protection Board.	One	Mr. Plumb	Condemning the "Rabbit Nuisance Act of 1883," and praying the House to adopt other principles.

Legislative Assembly Offices.
Sydney, 8th May, 1889.F. W. WEBB,
Clerk of the Legislative Assembly.

1889.

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.
1889. 14 May ...	William Small, Chairman of the Grafton Pastures and Stock Protection Board.	One	Mr. McFarlane.....	Condemning the working of the "Rabbit Nuisance Act of 1883," and praying the House to adopt other principles.
14 „ „	Certain residents of town of Kelso.	Thirty	Mr. Tonkin	Praying that the Bathurst Cattle Sales-yards Bill may be so amended that a rate on all stock sold within the proposed radius will not be allowed.

Legislative Assembly Offices,
Sydney, 16 May, 1889.

F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 10.

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.
1889. May 21 ...	Mayor and Aldermen of the Borough Council of Central Illawarra.	One	Mr. Alexander Brown	Praying to be heard by Counsel or Attorney before Select Committee sitting on the "Illawarra Harbour and Land Corporation Bill."
„ 21 ...	Francis O'Donnell, of Five Islands, David James, of the same place, and John Richards, of Unanderra, near Wollongong.	Three.....	Mr. Alexander Brown	Praying to be heard by Counsel or Attorney before Select Committee sitting on the "Illawarra Harbour and Land Corporation Bill."
„ 22 ...	A. T. Laurie, Chairman of the Port Stephens Pastures and Stock Protection Board.	One	Mr. Roberts	Condemning the working of the "Rabbit Nuisance Act of 1883," and praying for its repeal.

Legislative Assembly Offices,
Sydney, 23rd May, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

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.
1889 May 28.....	Certain electors of the Electorate of Monaro.	Seven hundred and eight.	Mr. Dawson	Praying that the Electoral District of Monaro may be divided into two Electorates, viz., Police District of Cooma and Police District of Bombala.
,, 28.....	Certain electors in the Police District of Tweed	Three hundred and forty-eight.	Mr. Ewing	Praying that the Tweed and Brunswick portions of the Electorate of the Richmond should be erected into a separate Electorate.
,, 28.....	J. M. Antill, Chairman of the Picton Pastures and Stock Protection Board.	One	Mr. Kidd	Condemning the working of the Rabbit Nuisance Act of 1883, and praying that the principle of local administration may be adopted.
,, 29.....	Edmund Henry Taylor, of Sydney, and George Kerry Kirkland, of Sydney.	Two	Mr. Melville	Praying for leave to bring in the "Sydney and Suburban Electric Lighting Bill."
,, 29.....	Certain residents of Bathurst and District.	Eight hundred and fifty.	Mr. Paul	Praying the House to pass the "Bathurst Cattle Sale-yards Bill."
,, 29.....	David Scotland, Chairman of the Board of Directors of the Windsor Gas-light Company (Limited).	One	Mr. Want	Praying for leave to bring in the "Windsor Gas-light Company (Limited) Act Amendment Bill."

Legislative Assembly Offices,
Sydney, 31st May, 1889.F. W. WEBB,
Clerk of the Legislative Assembly.

1889.

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.
1889. 5 June ...	J. Moseley and J. Riddle, Directors of the Narrabri Pastures and Stock Pro- tection Board.	Two	Mr. T. G. Dangar ...	Condemning the working of the "Rabbit Nuisance Act of 1888," and praying that the House will adopt the principle of local self-government and compel each district to destroy the pests within its boundaries.
6 " "	Edwin Ernest Allen Oatley, of Sydney, and John Thompson, of Sydney.	Two	Mr. Want	Praying for leave to bring in the Warwick Farm Railway Bill.

Legislative Assembly Offices,
Sydney, 7 June, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

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.
1889. 11 June ...	William Elphinstone Grahame, late Teacher of the Public School, Cedar Party Creek, Wingham.	One	Mr. Roberts	Having completed the sixtieth year of his age, resigned from the Public Service in terms of section 43 of the Civil Service Act, and praying the House to grant him some allowance from the Superannuation Fund.
14 June ...	James McLaurin, Chairman of Public Meeting held at Germanton.	One	Mr. Lyne	Suggesting certain alterations in the Crown Lands Bill.

Legislative Assembly Offices,
Sydney, 14 June, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

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.
1889. June 25 ...	W. E. Abbott, Chairman of the Murrurundi Pastures and Stock Protection Board.	One	Mr. Waddell	Condemning the working of the "Rabbit Nuisance Act of 1883," and praying that the principle of local administration may be adopted.
" 25 ...	George Lovell, Mayor of Ryde, and Alfred Weeks, Mayor of Hunter's Hill.	Two	Mr. Frank Farnell ...	Praying for leave to bring in the "Municipalities of Ryde and Hunter's Hill Bill."
" 25 ...	Frederick Samuel Ellis Holt, of Sutherland House, Sylvania, and Alfred William Holt, of Clifton, St. Leonards.	Two	Mr. Burns	Praying the House not to affirm the expediency of bringing in the "General Post Office (Approaches) Improvement Bill."
" 26 ...	Jas. Collins, of Brougham-street, Glebe.	One	Mr. Kidd	Praying that the "Oakey Park Coal-mining Company's Railway Bill" may be referred to a Select Committee, and that he may be cited to attend in person or by counsel, as an opponent of the Bill.
" 26 ...	Landowners, farmers, storekeepers, and other inhabitants of the Town of Wollongong and Electorate of Illawarra.	One thousand six hundred and fifty.	Mr. Woodward	Praying the House to pass the "Wollongong Harbour Trust Bill."
" 28 ...	Redhead Coal-mining Company (Limited).	Three.....	Mr. J. P. Abbott.....	Praying for leave to bring in the "Redhead Coal-mine Railway Act Amending Bill."

Legislative Assembly Offices,
Sydney, 28th June, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 15.

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.
1889. 2 July	Frederick Samuel Ellis Holt, of Sutherland House, Sylvania, and Alfred William Holt, of Clifton, St. Leonards.	Two	Mr. Burns	Praying the House not to pass into law the "General Post Office (Approaches Improvement) Bill," as it now stands, and that Petitioners may be heard by Counsel against.
4 „	Mahlon Clarke Cowlishaw, of Sydney, Merchant.	One	Mr. Fletcher.....	Praying for leave to bring in the "Stockton Gas and Electricity Bill."

Legislative Assembly Offices,
Sydney, 5th July, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 16.

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.
1889. July 9	Scottish Australian Mining Company (Limited).	One	Mr. Ryrie.....	Praying to be heard by Counsel before the Select Committee sitting on the "Redhead Coal Mine Railway Act Amending Bill."
,, 9	John Gilbert Thompson, Edward Henry Johnson, and James Giles.	Three	Mr. Lees	Praying that the interests of the Petitioners may be conserved as regards provision for compensation to tenants in case of the resumption of land in connection with the "General Post Office (Approaches Improvement) Bill."
,, 9	Sarah Cunynghame, of Parramatta.	One,	Mr. Howe.....	Praying to be heard by Counsel before the Select Committee appointed to inquire into and report upon the matter of her removal from the position of Superintendent of the Macquarie-street Asylum, Parramatta.

Legislative Assembly Offices,
Sydney, 12th July, 1889.F. W. WEBB,
Clerk of the Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 17.

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.
1889. 16 July ...	G. Arthur Thompson, Mayor of Albury.	One	Mr. John Wilkinson	In opposition to the proposal of granting an extension of pastoral leases in the Central Division, and praying the House to restore to the Crown Lands Bill the original clause.
16 " "	Edward Neave and John Ewan Palmer, of Sydney.	Two	Mr. Hurley	Praying for leave to bring in the "Katoomba Lighting Bill."
18 " "	George Lovell, Acting Chairman of the Fruit-growers' Union of New South Wales.	One	Mr. Nobbs	Praying for increased Fruit Market accommodation, and that steps be taken to resume block of land between Quay-street and the Darling Harbor Railway Line, for the erection of suitable markets thereon.

Legislative Assembly Offices,
Sydney, 19th July, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 18.

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.
1889. July 24 ...	Mahlon Clarke Cowlishaw, James Burns, and Charles Frederick Stokes, Directors of the New South Wales Tramway Company (Limited).	Three.....	Mr. Cullen	Praying for leave to bring in the "New South Wales Tramway Company's Bill."

Legislative Assembly Offices,
Sydney, 26th July, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 19.

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.
1889. July 30.....	Sydney Maxted, Director of Government Asylums, and Boarding-out Officer, of Sydney.	One	Sir Henry Parkes ...	Praying to be represented by Counsel or Attorney before Select Committee sitting on case of "Mrs. Cunynghame, late Superintendent of the Macquarie-street Asylum for Infirm and Destitute, Parramatta."

Legislative Assembly Offices,
Sydney, 2nd August, 1889.F. W. WEBB,
Clerk of the Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 20.

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.
1889. August 6....	Certain residents of the District of Illawarra.	One thousand three hundred and forty-seven.	Mr. Cullen.....	Praying the House to pass the "Illawarra Harbour and Land Corporation Bill."

Legislative Assembly Offices,
Sydney, 9th August, 1889.

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

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 21.

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.
1889. August 20...	George Maiden, of Sydney	One	Mr. Slattery	Praying for leave to bring in the "Broken Hill and Pinnacles Tramway Bill."

Legislative Assembly Offices,
Sydney, 23rd August, 1889.F. W. WEBB,
Clerk of the Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 22.

WEEKLY ABSTRACT

OR

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1889. August 29..	Certain farmers, free-holders, and residents of the Hawkesbury River.	One hundred and thirteen.	Mr. Stevenson	That they are opposed to the contemplated expenditure of a sum of money in dredging operations on the Hawkesbury River, but favor the construction of a light line of railway from the Windsor Railway Station to Sackville Reach.

Legislative Assembly Offices,
Sydney, 29th August, 1889.F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 23.

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.
1889. 5 Sept. ...	West Wallsend Coal Company (Limited).	Two	Mr. Burns.....	Praying for leave to bring in a Bill to confirm the removal by the West Wallsend Coal Company (Limited), of its registered office to Sydney, and for providing that the Articles of Association adopted by the Company after its registration shall have the same efficacy as if the same had been the original Articles of Association.

Legislative Assembly Offices,
Sydney, 5th September, 1889.

F. W. WEBB,
Clerk of Legislative Assembly.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 24.

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.
1889. September 26	Farmers, storekeepers, producers, and others of the parish of Hargraves, in the Wellington District.	Thirty-one	Mr. Wall	Praying that duties may be imposed on all agricultural products imported into the Colony.

Legislative Assembly Offices,
Sydney, 27th September, 1889.F. W. WEBB,
Clerk of the Legislative Assembly.

600

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 25.

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.
1889. 9 Oct.	Certain Farmers, Storekeepers, Producers, and Laborers of District of Taralga.	One hundred and six.	Mr. Holborow	Praying for duties to be imposed on imported agricultural products.

Legislative Assembly Offices,
Sydney, 10th October, 1889.

F. W. WEBB,
Clerk of Legislative Assembly.



1889.

LEGISLATIVE ASSEMBLY.
N E W S O U T H W A L E S .

No. 1.
REGISTER OF PUBLIC BILLS ORIGINATED IN THE ASSEMBLY DURING THE SESSION OF 1889.

Short Titles.	By whom Initiated.	Ordered.	Messager from Governor pro-tation for.	Reported.	Recommitted.	Reported, and sent to Council, passed, and sent to Council for concurrence.	Agreed to by Council.	Council's Amendments agreed to.	Council's Amendments upon its introduction.	Bill dropped or laid aside.	No. of Act.	Remarks.
Abolition of Punishment by Whipping	Mr. Harold Stephen.	... 10 July	11 July	10 Sept	... 11 A.M.	... 24 Sept	... 25 Sept	... 27 Sept	... 13 June	... 26 July	... 3 Sept	... 10 Sept
Appropriation	Mr. McMillan.....	... 6 Oct.	5 Oct.	... 6 Oct.	... 5 Oct.	... 30 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 10 Oct.
Auburn Railway Level-crossing Closing	Mr. McMillan.....	... 18 Sept	18 Sept	... 18 Sept	... 18 Sept	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 30 Sept
Bills of Sale Law Amendment	Mr. Wall.....	... 4 Apr.	4 Apr.	... 30 Apr.	... 30 Apr.	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 12 Sept
Blackfriars and Shepherd's Nursery Estates,	Mr. Edmunds.....	... 13 June	13 June	... 26 July	... 26 July	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 17 Sept
Church and School Lands Mining	Mr. Garrithers.....	... 11 Apr.	11 Apr.	... 17 May	... 17 May	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 18 Sept
Circular Quay Improvements	Mr. Bruce Smith .....	... 4 Apr.	4 Apr.	... 10 Apr.	... 10 Apr.	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 19 Sept
City of Paddington Naming	Mr. Want .....	... 7 June	18 June	... 28 June	... 28 June	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 20 Sept
City of Redfern Naming	Mr. Howe .....	... 17 Apr.	17 Apr.	... 28 June	... 28 June	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 21 Sept
City of Sydney Mayoral Election	Mr. O'Connor .....	... 4 Apr.	4 Apr.	... 11 Sept.	... 11 Sept.	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 22 Sept
Coal Mines Regulation	Mr. Sydney Smith .....	... 8 Aug.	8 Aug.	... 24 Apr.	... 24 Apr.	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 23 Sept
Consolidated Revenue Fund	Mr. McMillan.....	... 23 Apr.	24 Apr.	... 24 Apr.	... 24 Apr.	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 24 Sept
Do do (No. 2)	Mr. McMillan.....	... 22 May	22 May	... 22 May	... 22 May	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 25 Sept
Do do (No. 3)	Mr. McMillan.....	... 25 June	25 June	... 25 June	... 25 June	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 26 Sept
Do do (No. 4)	Mr. McMillan.....	... 25 July	25 July	... 25 July	... 25 July	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 27 Sept
Do do (No. 5)	Mr. McMillan.....	... 28 Aug.	28 Aug.	... 28 Aug.	... 28 Aug.	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 28 Sept
Crown Lands	Mr. Brunker .....	... 10 Apr.	10 Apr.	... 11 Apr.	... 11 Apr.	... 10 A.M.	... 24 Sept	... 25 Sept	... 13 June	... 26 July	... 3 Sept	... 29 Sept

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

Short Titles.	Bills when Initiated.	Ordered.	Message from Governor, requesting to pro- mote him to the Whole.	Ordered and Read 1st.	Presented and Read 2d.	Read 2d and Committee for 3d, passed, and sent to Council, and sent to the Queen.	Reported.	Reported 2d.	Recommitted.	Reported.	Agreed to by Council without Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to, and dis- agreed to by Council.	Upon its Amendmen- tation does not insist upon its Amendmen- tation.	Order of the Day disbanded and Bill withdrawn.	Bill dropped or laid aside.	Assent.	No. of Act.	Remarks.	
Distress for Rent Abolition	Mr. Walker.....	....	6 July	6 July	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Stopped by Prorogation.
Divorce Extension	Mr. J. P. Abbott .....	....	10 Apr.	10 Apr.	28 May	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Not returned by Legislative Council.
Eight Hours	Mr. Schey	25 Sept.	....	25 Sept.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Stopped by Prorogation.
Electoral Act (Expansive Clauses)	Mr. Burns .....	....	9 Apr.	9 Apr.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Electoral Act (Plural Vote Amendment)	Mr. Trail .....	....	24 Apr.	25 Apr.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	do.
Employers Liability Act Amendment	Mr. Garrard .....	....	3 Apr.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	do.
Essex-street Alignment	Mr. Playfair .....	....	31 May	31 May	26 July	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Not brought in.
Fire Brigades Act Amendment	Sir Henry Parkes	20 June	20 June	20 June	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Message to Council, 26 Sept.
Fuel	Mr. Alfred Allen	28 June	28 June	27 June	....	9 Aug.	....	....	....	....	....	....	....	....	....	....	....	....	....	Stopped by Prorogation.
General Post Office (Apprehensions Improvement), Inland Waters Conservation	Mr. O'Connor	27 June	25 June	27 June	....	10 July	23 July	23 July	23 July	23 July	23 July	6 Aug.	....	....	....	....	....	....	....	House counted out, 9 Aug.
Legal Practitioners	Mr. Lakeman .....	....	4 Apr.	4 Apr.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Counsel heard at Bar of House, 6 August, 1859.—That the Bill is beyond the order of leave, 9 August.
Loan	Mr. McMillan .....	....	5 July	5 July	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Stopped by Prorogation.
Marily Draining Works	Mr. Bruce Smith .....	....	9 Oct.	9 Oct.	9 Oct.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Founded on Resolution of Ways and Means, No. 15.
Metropolitan Magistrates Act	Mr. Gould .....	....	23 July	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Not brought in.
Further Amendment, Metropolitan Water and Sewerage Act Amendment, Mining	Mr. Bruce Smith .....	....	4 Apr.	4 Apr.	4 Apr.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Metropolitan Water and Sewerage Act Amendment (No. 2)	Mr. Sydney Smith	24 Sept.	24 Sept.	24 Sept.	....	25 Sept.	25 Sept.	25 Sept.	25 Sept.	25 Sept.	25 Sept.	27 Sept.	....	....	....	....	....	....	....	Standing Orders suspended, 25 September, do
Ministerial Election	Mr. Hurley .....	....	3 Apr.	3 Apr.	16 Apr.	....	14 May	....	14 May	....	14 May	....	....	....	....	....	....	....	....	Not returned from Legislative Council, do
Mortgagors Act Amendment	Mr. Alfred Allen .....	....	7 May	9 May	29 July	....	....	....	29 July	29 July	29 July	....	....	....	....	....	....	....	....	....
Mount Kiern. Tramway Acquisition	Mr. McMillan	30 May	29 May	30 May	....	2 July	2 July	2 July	2 July	2 July	2 July	3 July	11 July	....	....	....	....	....	....	18 July, 53 Vic. No. 3.
Municipal Registration, Net Fishing in Port, Hacking Prohibition, Act Amendment	Mr. Howe .....	....	9 July	9 July	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	Stopped by Prorogation.
Newcastle Harbour Improvements	Mr. Bruce Smith	4 Apr.	4 Apr.	10 Apr.	....	10 Apr.	10 Apr.	10 Apr.	10 Apr.	10 Apr.	10 Apr.	11 Apr.	24 Apr.	....	....	....	....	....	....	Not brought in.
Newcastle Pasturage Reserve	Mr. Brunker	4 Apr.	10 Apr.	4 Apr.	....	10 Apr.	10 Apr.	10 Apr.	10 Apr.	10 Apr.	10 Apr.	11 Apr.	13 June	....	....	....	....	....	....	Message from Legislative Council asking leave to examine The Hon. J. N. Brunker, and leave granted, 15 May.

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

Short Titles,	By whom Initiated.	Ordered.	Presented and Read 1st.	Negatived on motion for 2d.,	Read 2d and Committee'd.	Reported.	Reported 2d.	Recommitt'd.	Reported.	Agreed to by Council,	Council's Amendments agreed to and disagreed to.	Council's Amendments agreed to and disagreed to.	Council's Amendments agreed to and disagreed to.	Council's Amendments agreed to and disagreed to.	Council's Amendments agreed to and disagreed to.	Council's Amendments agreed to and disagreed to.	Bill dropped or laid aside.	No. of Act.	Remarks.
North Shore Drainage Works . . .	Mr. Bruce Smith . . .	4 Apr.	4 Apr.	4 Apr.	11 Apr.	11 Apr.	11 Apr.	11 Apr.	11 Apr.	9 May	15 May	21 May	52 Vic. No. 22	Not returned from Legislative Council.	Pro forma Bill.	Mr. Speaker called attention to nature of Council's Amendments, and Bill laid aside, 25 July.	Standing Orders suspended.	Not returned from Legislative Council. Nos. 7 to 11.	
Offenders Probation	Mr. J. P. Abbott . . . . .	....	....	3 Apr.	4 Apr.	....	30 Apr.	30 Apr.	2 May	....	....	....	....	....	....	....	....	....	....
Ordnance Lands Transfer	Mr. Dibbs . . . . .	....	....	28 Feb.	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Parliamentary Representatives Allowance.	Mr. O'Connor	6 June	6 June	5 June	14 June	14 June	15 June	18 June	....	25 July	....	26 July	....	....	....	....	....	....	....
Parliamentary Representatives Allowance (No. 2).	Sir Henry Parkes . . . . .	....	....	30 July	30 July	30 July	31 July	31 July	....	18 Sept	19 Sept	24 Sept	63 Vic. No. 12	Resolution of the Whole, 30 July.	Message to Council regarding Amendments, 20 Sept., a.m.	June read from Committee of the Whole, 30 July.	Standing Orders suspended.	Not returned by Legislative Council.	
Pott's Hill Storage Reservoir . . .	Mr. Bruce Smith	4 Apr.	4 Apr.	4 Apr.	4 Apr.	4 Apr.	15 May	15 May	17 May	30 May	....	....	....	....	....	....	....	52 Vic. No. 27	Stopped by Prorogation.
Probate	Mr. Lakeman . . . . .	....	....	4 July	4 July	....	....	....	....	....	....	....	....	....	....	....	....	....	do
Publication of Obscene Evidence Prevention.	Mr. Alexander Brown . . . . .	....	....	10 May	21 May	....	....	....	....	....	....	....	....	....	....	....	....	....	do
Public Works Act Amendment.	Mr. Bruce Smith	4 Apr.	4 Apr.	4 Apr.	4 Apr.	4 Apr.	9 May	9 May	15 May	23 May	....	....	....	....	....	....	....	52 Vic. No. 26	Not brought in.
Do do (Committee's)	Mr. Bruce Smith	4 Apr.	4 Apr.	4 Apr.	4 Apr.	4 Apr.	3 Sept	3 Sept	3 Sept	17 Sept	....	....	....	....	....	....	....	52 Vic. No. 11	Not brought in.
Rabbit Nuisance Act Amendment.	Mr. Tonkin . . . . .	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	52 Vic. No. 24	Standing Orders suspended.
Railway Loan Redemption	Mr. McMillan	9 Oct.	2 Oct.	9 Oct.	9 Oct.	9 Oct.	9 Oct.	9 Oct.	9 Oct.	9 Oct.	....	....	....	....	....	....	....	52 Vic. No. 24	Standing Orders suspended.
Sheep District Boards (Powers Restoration).	Mr. Tonkin . . . . .	....	....	8 May	23 Aug.	....	....	....	....	....	....	....	....	....	....	....	....	52 Vic. No. 13	Founded on Resolution of Ways and Means.
Supply and Indemnity	Mr. Carruthers . . . . .	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	52 Vic. No. 13	Founded on Resolution of Ways and Means.
Sydney Central Police Court	Mr. Bruce Smith	4 Apr.	4 Apr.	4 Apr.	4 Apr.	4 Apr.	9 May	9 May	15 May	23 May	....	....	....	....	....	....	....	52 Vic. No. 21	Founded on Resolution of Ways and Means.
Sydney Water Supply (Partial Duplication).	Mr. Bruce Smith	4 Apr.	4 Apr.	4 Apr.	4 Apr.	4 Apr.	23 July	23 July	23 July	24 July	....	....	....	....	....	....	....	52 Vic. No. 18	Founded on Resolution of Ways and Means.
Totalisor Legalizing	Mr. Frank Farnell . . . . .	....	....	25 Apr.	25 Apr.	....	....	....	....	....	....	....	....	....	....	....	....	52 Vic. No. 15	Not returned by Legislative Council.
Treasury Bills Deficiency	Mr. McMillan	20 Aug.	16 Aug.	20 Aug.	21 Aug.	22 Aug.	....	....	....	17 Sept	....	....	....	....	....	....	....	52 Vic. No. 19	Standing Orders suspended.
Wantworth Irrigation	Mr. J. P. Abbott . . . . .	....	....	17 Apr.	24 Apr.	....	23 June	23 June	....	23 June	9 July	....	....	....	....	....	....	52 Vic. No. 28	Not returned by Legislative Council.
Western Suburbs of Sydney Drainage, Harbour Trust	Mr. Bruce Smith	26 Sept.	26 Sept.	26 Sept.	26 Sept.	26 Sept.	26 Sept.	26 Sept.	26 Sept.	27 Sept.	....	....	....	....	....	....	....	52 Vic. No. 10	Standing Orders suspended.
Wollongong Public School Site Sale.	Sir Henry Parkes	20 June	20 June	20 June	20 June	20 June	....	....	....	11 Sept.	17 Sept.	25 Sept.	....	....	....	....	....	52 Vic. No. 19	Not returned by Legislative Council.
Women's College University Endowment.	Mr. Carruthers	20 June	14 June	20 June	20 June	....	....	....	....	....	17 May	22 May	30 May	....	....	....	....	52 Vic. No. 28	Not returned by Legislative Council.
										3 Sept.	4 Sept.	17 Sept	....	....	....	....	....	52 Vic. No. 10	Not returned by Legislative Council.
										23 July	3 Sept.	24 Sept.	....	....	....	....	....	52 Vic. No. 10	Not returned by Legislative Council.

REGISTER OF PRIVATE BILLS INTRODUCED UPON PETITION TO THE ASSEMBLY DURING THE SESSION OF 1889.

Short Title.	By whom and when Petition presented.	Ordered.	Presented and read 1st.	Reported Selectee Committee to Council without reference to Comptroller.	Reported Selectee Committee by Council with reference to Comptroller.	Report adopted.	Reported Selectee Committee to Council without reference to Comptroller.	Reported Selectee Committee by Council with reference to Comptroller.	Report adopted.	Reported Selectee Committee to Council without reference to Comptroller.	Reported Selectee Committee by Council with reference to Comptroller.	Report adopted.	Bill dropped or laid aside.	Remarks.
Bathurst Cattle Sale-yards	Mr. Paul	1 May	5 May	16 May	29 May	26 July	26 July	26 July	1 Oct.	.....	.....	.....	2 Oct.	Point of Order that Bill is beyond Order of Leave, disallowed, 26th July, 1889. Report of Select Committee of former Session referred, 6th June, 1889. Petitions to be heard by counsel, &c., 21st May. Ruled not properly before the House, 10th Sept., 1889.
Broken Hill and Pinnacles Tramway...	Mr. Slattery	20 Aug.	9 April	10 April	10 July	9 Oct.	5 June	6 Aug.	.....	.....	.....	10 Sept.	.....	.....
Broken Hill Water Supply	Mr. J. P. Abbott 2 April	.....	.....	.....	.....	.....	3 July	.....	.....	.....	.....	.....	.....	.....
Illawarra Harbour and Land Corporation	Mr. Sutherland	2 April	3 April	4 April	11 April	24 July	24 July	24 July	26 June	.....	.....	.....	17 May	.....
Katoomba Lighting Municipalities of Ryde and Hunter's Hill.	Mr. Hurley	16 July	17 July	17 July	24 July	26 June	26 June	26 June	26 June	.....	.....	.....	17 May	.....
Mr. Frank Farrell	Mr. Frank Farrell	25 June	26 June	26 June	28 June	28 June	28 June	28 June	28 June	.....	.....	.....	17 May	.....
Mr. Cullen	Mr. Cullen	24 April	25 April	25 April	30 April	.....	17 May	.....	.....	.....	.....	.....	17 May	.....
Mr. Cullen	Mr. Cullen	24 July	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	17 May	.....
New South Wales Tramway Company's (No. 2).	Mr. J. P. Abbott	28 June	2 July	3 July	17 July	17 July	17 July	17 July	17 July	9 Oct.	9 Oct.	10 Oct.	.....	.....
Redhead Coal-mine Railway Act Amending.	Mr. Stevenson	11 April	16 April	17 April	30 April	17 May	17 May	17 May	17 May	21 May	21 May	21 June	25 Sept.	30 Sept.
Silkstone Coal-mine Railway	Mr. J. P. Abbott	9 April	22 May	30 May	6 June	10 July	19 July	19 July	19 July	.....	.....	.....	.....	.....
Silverton Tramway Extension	Mr. Fletcher	4 July	9 July	9 July	10 July	31 May	31 May	31 May	31 May	.....	.....	.....	.....	.....
Stockton Gas and Electricity	Mr. Melville	29 May	30 May	30 May	30 May	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sydney and Suburban Electric Lighting	Mr. Stevenson	2 April	3 April	4 April	11 April	25 Sept.	25 Sept.	25 Sept.	25 Sept.	26 Sept.	26 Sept.	26 Sept.	10 Oct.	10 Oct.
Toronto Tramway	Mr. Want	6 June	7 June	7 June	11 June	25 June	26 July	26 July	26 July	30 July	30 July	30 July	10 Oct.	10 Oct.
Warwick Farm Railway	Mr. Burns	5 Sept.	10 Sept.	10 Sept.	12 Sept.	24 Sept.	.....	.....	.....	.....	.....	.....	.....	.....
West Wallsend Coal Co. (Ltd.)	Mr. Want	29 May	30 May	30 May	4 June	14 June	23 Aug.	23 Aug.	23 Aug.	27 Aug.	27 Aug.	27 Aug.	2 Oct.	2 Oct.
Windsor Gas-light Company (Limited) Act Amendment.	Mr. Want .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

REGISTER OF PUBLIC AND PRIVATE BILLS BROUGHT FROM THE COUNCIL DURING THE SESSION OF 1889.

Public Bills.	Private Bills.	Brought from Council and read 1st.	Read 2nd and Committed.	Reported, and Report adopted.	Read 3rd, passed with Amendment, and returned, and sent to Council for concurrence.	Read 3rd, passed without Amendment, and returned, and sent to Council.	Agreed to by Council.	No. of Act.	Assent reported.
.....	Broken Hill and District Water Supply	7 March	23 August	25 September	15 May	15 May	26 September	27 Sept., a.m.	.....
.....	Church of England Property	3 April	14 May	14 May	29 August	29 August	22 May .....	.....	1 October.
.....	Commercial Building and Investment Company Sales	8 May	23 August	23 August	17 May	17 May	17 May .....	.....	21 May.
Intercolonial Debts .....	.....	17 April	17 May	17 May	10 July	9 Oct., a.m.	9 Oct., a.m.	.....	12 September.
Land, Crops, and Stock Returns .....	.....	20 June, a.m.	10 July	10 July	26 June	23 August	16 April	3 September	30 May.
Married Women's Property .....	.....	22 May	22 May	23 August	16 April	17 April	17 April	12 September	10 October.
.....	Leconfield Coal Mine Railway .....	.....	.....	.....	.....	.....	.....	.....	24 September.
.....	Oakey Park Coal Mining Company's Railway .....	.....	.....	.....	.....	.....	.....	.....	30 April.
.....	Wesleyan Methodist Church Property Trust	3 April	16 April	16 April	16 April	17 April	17 April	17 April .....	.....

Legislative Assembly Office,
Sydney, 10 October, 1889.
[3d.]

Sydney : Charles Potter, Government Printer.—1889.

F. W. WEBB,
Clerk of Legislative Assembly.

1889.

—
LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ALPHABETICAL REGISTERS

OF

ADDRESSES AND ORDERS FOR PAPERS,

AND OF

ADDRESSES

(NOT BEING FOR PAPERS).

SESSION 1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING THE SESSION 1889.

No. OF ADDRESS OR ORDER. No.	WHEN PASSED. Votes. Date.			ON WHOSE MOTION. Entry.	PAPERS APPLIED FOR. By Address. By Order.			RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER. Date of Order.	IF TO BE PRINTED. When given to Clerk of Printing Branch.
	1889.	24	Mr. Frank Smith... Mr. Joseph Abbott...		1889.	3 July.....	1889.			
1 22	9 35	3 April..... 4 June.....	24	Mr. Cooke.....	Accident to the steamer "Ajax"..... Alleged Nuisance near Spark's Bridge, Borough of Alexandria.	3 July.....	1889.	89/424 89/639	1889.	1889.
• 38	60	17 July.....	6	Mr. Chick, for Mr. Chantier.	Application by W. N. Hill, for Additional Conditional Purchase.	20 August...	1889.	89/785	20 August...	21 August.
23	35	4 June.....	4	Mr. J. P. Abbott...	Application of A. J. Hack for Conditional Purchase on Guyra Goldfield.	9 July.....	1889.	89/661	9 July.....	10 July.
25	38	7 June.....	3	Mr. Wall	Application of Mr. C. W. Porter for a Pre-emptive Lease...	13 August...	1889.	89/764	13 August...	14 August.
41	82	23 August.....	2	Mr. Ross	Application of Robert Lamrock for a Conditional Purchase at Mudgee.	.....	1889.	.....	.....	.....
24	36	5 June.....	6	Mr. Ross	Application of Samuel and Mary Lemon for compensation for portions of land, Ilfracombe.	21 June.....	1889.	89/590	12 Sept.	13 Sept.
44	74	9 August.....	2	Mr. J. P. Abbott...	Applications by W. Suly and others for portions of land, Assurance Fund under the Real Property Act .....	.....	1889.	.....	.....	.....
16	26	16 May.....	4	Mr. Copeland	Balances of Road Votes	23 July.....	1889.	89/702	23 July.....	24 July.
42	69	1 August.....	4	Mr. Wall	Berries, Pastures and Stock Protection Board	24 Sep.	1889.	89/571	24 Sept.	25 Sept.
15	23	9 May.....	6	Mr. McCourt	Blue Jacket Mining Lease, Canowindra	9 July.....	1889.	89/660	9 July.....	10 July.
9	22	8 May.....	6	Dr. Ross	Case of Constable Obway, tried at Young...	25 Sept....	1889.	89/883	25 Sept....	26 Sept.
6	75	13 August.....	4	Mr. Lyne, for Mr. Mackinnon.	Case of Regina v. Christenson .....	.....	1889.	.....	.....	.....
4	29	22 May.....	8	Mr. Traill	Case of Mr. H. C. Armstrong to lease of land at Circular Quay.	15 August...	1889.	89/773	15 August...	16 August.
33	56	10 July.....	6	Mr. Dickens	Complaints against Constable Murdoch, Murrumburrah	18 Sept....	1889.	89/856	18 Sept....	19 Sept.
55	90	11 September .	5	Mr. Lyne, for Mr. Mackinnon, Mr. Hogan, for Mr. See.	Construction of Jetties at Coff's Harbour and Woogoolga .....	.....	1889.	.....	.....	.....
52	89	10 September ..	3	Mr. Harold Stephen ..	Customs Department .....	.....	1889.	.....	.....	.....
10	93	27 September ..	8	Mr. Molsworth ..	Dismissal and subsequent re-employment of Mr. F. B. Hale .....	.....	1889.	.....	.....	.....
40	63	23 July.....	7	Mr. O'Sullivan, for Mr. Traill	Enforcement of Suspension of Clerks from Railway Service .....	.....	1889.	.....	.....	.....
29	50	28 June.....	3	Mr. Teece	Enforcement upon J. Peters' land, Urungalla, county of Armyle.	.....	1889.	.....	.....	.....
39	61	18 July.....	5	Mr. Wm. Stephen	Expenditure out of Loan Votes	9 July.....	1889.	89/657	9 July	10 July.
50	89	5 September ..	3	Mr. Teece	Gold Licences at Cobar .....	.....	1889.	.....	.....	.....
27	45	20 June.....	6	Mr. O'Sullivan, for Mr. Alex. Brown	Government Printing Office	26 Sept....	1889.	89/592	26 Sept....	27 Sept.
36	58	12 July.....	2	Mr. McCourt	Head Naval Depot of H.M. Ships in the Pacific.	.....	1889.	.....	.....	.....
37	60	17 July.....	5	Mr. Frank Smith .....	.....	.....	1889.	.....	.....	.....
9	96	25 September ..	10	Mr. Dibbs.....	.....	.....	1889.	.....	.....	.....

REGISTRY OF ADDRESSES AND ORDERS FOR PAPERS DURING THE SESSION 1880—*continued.*

No. of Address or Order.	When Passed.			On whose Motion.			Papers Applied for.		
	Voted.		Entered.	Date.	No.	By Address.	By Order.	Return to Address or Order.	Register Number.
	Date.	Entered.							If to be printed.
4	12	10 April	8	Mr. Wall	8	Mr. Wall	25 April.....	1889.	1889.
58	92	17 September	8	Mr. Alex. Brown	8	Mr. Alex. Brown	25 April.....	89/362	26 April.
47	79	20 August	5	Mr. Street	5	Mr. Street	25 April.....	89/918	26 April.
59	97	26 September	4	Mr. Lyne, for Mr. Fletcher	4	Mr. Lyne, for Mr. Fletcher	25 April.....	89/784	21 August.
43	69	1 August	5	Mr. Wall	5	Mr. Wall	20 August	89/743	1 August
12	22	8 May	9	Mr. Howe	9	Mr. Howe	20 August	89/394	1 August
30	50	28 June	4	Mr. Chantler	4	Mr. Chantler	20 August	89/731	1 August
8	17	25 April	7	Mr. Chantler	7	Mr. Chantler	20 August	89/1801	1 August
20	29	22 May	11	Mr. J. P. Abbott	11	Mr. J. P. Abbott	27 August	89/840	28 August.
51	88	5 September	4	Mr. Horley	3	Mr. Creer	11 Sept.	89/325	12 Sept.
45	74	9 August	3	Mr. Creer	3	Mr. Creer	3 Sept.	89/386	4 Sept.
6	14	16 April	9	Mr. Graham	6	Mr. Ewing	2 May	89/763	6 May.
56	92	17 September	6	Mr. Ewing	5	Mr. Ewing	13 August	89/803	14 August.
31	50	28 June	5	Mr. Ewing	4	Mr. O'Sullivan, for Mr. Lyne	13 August	89/763	14 August.
3	22	8 May	14	Mr. O'Sullivan, for Mr. Lyne	14	Mr. J. P. Abbott	27 August	89/803	28 August.
19	29	22 May	10	Mr. Wright	3	Mr. Wright	27 August	89/756	8 August.
49	87	4 September	6	Mr. Ewing	6	Mr. Ewing	27 August	89/756	8 August.
53	89	10 September	6	Mr. Ewing	6	Mr. Ewing	27 August	89/756	8 August.
18	28	21 May	7	Mr. Kidd	11	Mr. Kidd	2 July	89/624	3 July.
14	22	8 May	11	Mr. Garrard	5	Mr. Burns	15 August	89/774	16 August.
41	65	25 July	5	Mr. Garrard	6	Mr. Ewing	23 July	89/628	24 July.
21	30	23 May	6	Mr. Garrard	3	Mr. O'Sullivan	23 July	89/628	24 July.
32	53	4 July	8	Mr. Garrard	10	Mr. Willis	23 July	89/628	24 July.
13	22	8 May	7	Mr. Willis	8	Mr. Willis	23 July	89/628	24 July.
10	22	8 May	7	Mr. Willis	2	Mr. Crick	23 July	89/628	24 July.
11	22	8 May	8	Mr. Crick	2	Mr. J. P. Abbott	23 July	89/628	24 July.
46	78	16 August	2	Mr. Crick	2	Mr. J. P. Abbott	23 July	89/628	24 July.
28	50	28 June	2	Mr. Crick	4	Mr. Crick	23 July	89/628	24 July.
34	57	11 July	4	Mr. Crick	7	Mr. Alfred Allen	23 July	89/628	24 July.
5	14	16 April	7	Mr. J. P. Abbott	9	Mr. J. P. Abbott	23 July	89/628	24 July.
54	90	11 September	11	Mr. J. P. Abbott	11	Mr. J. P. Abbott	23 July	89/628	24 July.
3	11	9 April	2	Mr. Roberts	5	Mr. Chandon	23 July	89/628	24 July.
60	100	1 October	2	Mr. Roberts	7	Mr. Woodward	23 July	89/628	24 July.
35	67	11 July	5	Mr. Chandon	10	Mr. Barbour	23 July	89/628	24 July.
2	7	4 April	7	Mr. Barbour	10	Mr. Edmunds	23 July	89/628	24 July.
7	14	16 April	4	Mr. Edmunds	4	Mr. Edmunds	23 July	89/628	24 July.
8	20	11 September	5	Mr. Edmunds	17	Mr. Edmunds	23 July	89/628	24 July.
17	27	17 May	5	Mr. Edmunds	7	Mr. Turner	23 July	89/628	24 July.
26	33	7 June	5	Mr. Turner	92	Mr. Ewing	23 July	89/640	24 July.
57	92	17 September	7	Mr. Ewing	92	Mr. Ewing	23 July	89/640	24 July.

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING FORMER SESSIONS, 1889.

No. of Address or Order.	WHEN PASSED.		ON WHOSE MOTION.		PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	DATE OF ORDER.	IN TO BE PRINTED.
	No.	Date.	Votes.	Date.	Entry.	By Address.				
128	94	1884. 6 May..... 1888.	6	Mr. Hutchinson			Government Printing Office	1889.	30 July.....	1889. 31 July.
7	7	6 November... 1887.	7	Mr. Wall			Hargraves and Avisford Commons	80/171	1 March ...	2 March.
3	3	25 October ... 1887.	9	Mr. Lee			Land known as Lamb's Farm, Lane Core	80/391	2 May	3 May.
49	23	8 November... 1888.	20	Mr. Lyne			McBarry v. Commissioner for Railways	80/163	28 Feb.	1 March.
	7	26 1884. 15 February...	6	Dr. Ross			Police Magistrate, Nowra; Clerk of Petty Sessions, Molong;	80/427	15 May	16 May.
106	57		4	Mr. Hutchinson			Spirits, Wine, and Beer—Convictions under the Licensing Act (<i>In Part</i>). (<i>Further</i>).....	80/341	17 April ...	18 April.
								80/456	22 May	23 May.

REGISTER OF SEPARATE AND JOINT ADDRESSES (NOT BEING FOR PAPERS) TO THE GOVERNOR, DURING THE SESSION 1889.

SUBJECT OF ADDRESS.	ORIGINATED IN THE ASSEMBLY.			WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED.			REMARKS.	
				Votes.			Votes.				
	No.	Date.	On whose Motion.	No.	Date.	By whom.	No.	Date.	By whom and how.		
(6.) Constitution for Western Australia	72	7 Aug.	6 Sir. Henry Parkes	72	7 Aug.	6				To the Queen presented through the Governor.	
(7.) Mail Service between Sydney and San Fran- cisco, <i>via</i> Auckland and Honolulu.	72	7 Aug.	9 Mr. O'Connor ..	88	5 Sept.	9				.....
(2.) Payment of Members	11	9 Apr.	13 Mr. Waddell ..	11	9 Apr.	13				.....
(1.) The Governor's Opening Speech	2	28 Feb.	12 Mr. Alex. Brown	4	6 Mar. (a.m.)	6				.....

F. W. WEBB,
Clerk of Legislative Assembly.

Legislative Assembly Offices,
Sydney, 10th October, 1889.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1889.

No. COMMITTEE N°	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	28 February, 1889. Votes No. 2, Entry 12. (On motion of Mr. Alexander Brown.)	{ Mr. Alexander Brown, Mr. Alison, Mr. Trail, Mr. Ryrie, Mr. Burns, Mr. Copeland, Mr. Cleet, Mr. Dawson, Mr. Tooley, Mr. Torpy,	{ Mr. Alex. Brown...	1	1	None	28 February, 1889.
2	Elections and Qualifications	1 March, 1889. Votes No. 3, Entry 3. (By Speaker's Warrant.)	{ *Mr. Carruthers, Mr. Hayes, †Mr. Fitzgerald, Mr. Ryrie, Mr. Lee, Mr. R. B. Wilkinson, *Mr. Bruce Smith, †Mr. Street, †Mr. Frank Smith, §Mr. J. P. Abbott,	{ Mr. Lee.....	23	18	35	{ 25 April, 1889. 9 May, 1889. 16 May, 1889. 23 May, 1889. 14 August, 1889.
3	Conditional Purchases made upon Barutta Run.	2 April, 1889. Votes No. 8, Entry 8. (On motion of Mr. Barbour.)	{ Mr. Barbour, Mr. Lyne, Mr. T. G. Dangar, Mr. J. P. Abbott, Mr. Bruncker, Mr. Alison, Mr. Hugh Taylor, Mr. Copeland, Mr. Woodward.	{ Mr. Barbour.....	15	7	3	4 September, 1889.
4	Standing Orders || .....	3 April, 1889. Votes No. 9, Entry 15. (On motion of Sir Henry Parkes.)	{ Mr. Speaker, Mr. McMillan, Mr. Want, Mr. Dibbs, Mr. Gould,	{ Mr. Speaker	3	3	None	16 May, 1889.
5	Library ¶	3 April, 1889. Votes No. 9, Entry 16. (On motion of Sir Henry Parkes.)	{ Mr. Speaker, Mr. Burns, Mr. O'Sullivan, Mr. Ewing, Mr. McMillan,	{ Mr. Reid, Dr. Ross, Mr. Bruce Smith, Mr. Stevenson, Sir Henry Parkes,	6	6	None .....	.....

* Not sworn in on account of having accepted office.

† Resigned. ^ Appointed 3 March, 1889.

¶ Confers on subjects of mutual concernment with similar Committee of Legislative Council.

|| This Committee acts in conjunction with a similar Committee appointed by the Legislative Council.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1889—*continued.*

NO. OF COMMITTEE	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NO. OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
					CALLED.	HELD.		
6	Refreshment*	3 April, 1889. Votes No. 9, Entry 17 (On motion of Sir Henry Parkes.)	{ Mr. Bowan, Mr. Burdekin, Mr. O'Connor, Mr. Seaver, Mr. Cooke, Sir Henry Parkes.	{ Mr. Garrard, Mr. Burdekin	1	1	None .....	.....
7	Toronto Tramway Bill	4 April, 1889. Votes No. 10, Entry 6 (On motion of Mr. Stevenson.)	{ Mr. Stevenson, Mr. Creer, Mr. William Stephen, Mr. McCourt,	{ Mr. McIville, Mr. Bruce Smith, Mr. Frank Farnell, Mr. Barbour.	Mr. Stevenson	2	2	4 11 April, 1889.
8	Broken Hill Water Supply Bill	10 April, 1889. Votes No. 12, Entry 7 (On motion of Mr. J. P. Abbott.)	{ Mr. Burbour, Mr. Tonkin, Mr. Abigail, Mr. Stokes, Mr. Wyman Brown,	{ Mr. Garrett, Mr. Gormly, Mr. Waddell, Mr. Dickens, Mr. J. P. Abbott.	Mr. J. P. Abbott...	3	3	10 July, 1889.
9	Ilawarra Harbour and Land Corporation Bill	11 April, 1889. Votes No. 13, Entry 8 (On motion of Mr. Frank Farnell for Mr. Sutherland.)	{ Mr. J. P. Abbott, Mr. Woodward, Mr. Chapman, Mr. Cullen, Mr. Ferguson,	{ Mr. McCompt, Mr. Frank Smith, Mr. Brunker, Mr. Tonkin, Mr. Sutherland.	Mr. Chapman	16	14	32 5 June, 1889.
10	Silkstone Coal-mine Railway Bill	17 April, 1889. Votes No. 15, Entry 7 (On motion of Mr. Stevenson.)	{ Mr. Bruce Smith, Mr. Perry, Mr. Wall, Mr. William Stephen, Mr. Stokes,	{ Mr. Waddell, Mr. Kidd, Mr. Frank Farnell, Mr. Stevenson.	Mr. Stevenson	2	2	4 30 April, 1889.
11	New South Wales Tramway Company's Bill	30 April, 1889. Votes No. 18, Entry 8 (On motion of Mr. Cullen.)	{ Mr. Bruce Smith, Mr. Lyne, Mr. Abigail, Mr. Waddell, Mr. Garrard,	{ Mr. Ferry, Mr. Hutchinson, (Canterbury) Mr. Woodward, Mr. Cullen.	Mr. Cullen	4	3	3 17 May, 1889.
12	Bathurst Cattle Sale Yards Bill	16 May, 1889. Votes No. 26, Entry 5 (On motion of Mr. Paul.)	{ Mr. Brunker, Mr. Tonkin, Mr. Crick, Mr. Gormly,	{ Mr. Plumb, Mr. Leckerman, Mr. Thompson, Mr. Paul.	Mr. Paul	2	2	4 29 May, 1889.
13	Working of the Fisheries Act	21 May, 1889. Votes No. 28, Entry 10 (On motion of Mr. Frank Farnell.)	{ Mr. O'Sullivan, Mr. Thompson, Mr. Howe, Mr. William Stephen, Mr. Stevenson,	{ Mr. Ritchie, Mr. Nobbs, Mr. Seaver, Mr. Caruthers, Mr. Frank Farnell.	Mr. Frank Farnell.	21	20	25 27 August, 1889.

*This Committee acts in conjunction with a similar Committee appointed by the Legislative Council.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1889—*continued.*

No. of COMMITTEE.	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NO. OF MEETINGS, Called. Held.	NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
14	Sydney and Suburban Electric Lighting Bill.	31 May, 1889. Votes No. 34, Entry 3 (<i>On motion of Mr. Melville.</i>)	Mr. O'Connor, Mr. Frank Smith, Mr. Teece, Mr. Barbour, Mr. Fletcher,	Mr. Grahame, Mr. Dowel, Mr. Kidd, Mr. Walker, Mr. Melville.	..... .....	...	.....
15	Windsor Gaslight Company (Limited) Act Amendment Bill.	4 June, 1889. Votes No. 35, Entry 3 (<i>On motion of Mr. Want.</i>)	Mr. McRae, Mr. Teece, Mr. O'Sullivan, Mr. Frank Farnell, Mr. Stevenson,	Mr. Barbour, Mr. Gormly, Mr. Bowman, Mr. Holborow, Mr. Want.	Mr. Bowman	1	2
16	Silverton Tramway Extension Bill	6 June, 1889. Votes No. 37, Entry 5 (<i>On motion of Mr. J. P. Abbott.</i>)	Mr. McMillan, Mr. Wyman Brown, Mr. Barbour, Mr. Davis, Mr. Lyne,	Mr. Dickens, Mr. Cullen, Mr. Dawson, Mr. Dowel, Mr. J. P. Abbott.	Mr. J. P. Abbott ...	3	1
17	Warwick Farm Railway Bill.....	11 June, 1889. Votes No. 39, Entry 9 (<i>On motion of Mr. Walker, for Mr. Want.</i>)	Mr. Frank Eurnell, Mr. Melville, Mr. Hugh Taylor, Mr. Want,	Mr. Ritchie, Mr. Hassall, Mr. O'Sullivan.	Mr. Frank Farnell	1	4
18	Municipalities of Ryde and Hunter's Hill Bill.	28 June, 1889. Votes No. 50, Entry 6 (<i>On motion of Mr. Frank Farnell.</i>)	Mr. Dale, Mr. Ritchie, Mr. Nobbs, Mr. Hugh Taylor, Mr. Frank Farnell,	Mr. O'Sullivan, Mr. Gormly, Mr. Barbour, Mr. Paul.	Mr. Frank Farnell	1	1
19	Redhead Coal-mine Railway Amending Bill.	3 July, 1889. Votes No. 52, Entry 7 (<i>On motion of Mr. Melville, for Mr. J. P. Abbott.</i>)	Mr. O'Sullivan, Mr. W. E. Abbott, Mr. Hayes, Mr. Barbour,	Mr. Waddell, Mr. Kidd, *Mr. Burns, †Mr. Hurley.	Mr. Hurley	3	1
20	Case of Miss Brening	3 July, 1889. Votes No. 52, Entry 13 (<i>On motion of Mr. O'Sullivan.</i>)	Mr. Cruckshank, Mr. Ewing, Mr. Willis, Mr. Lees, Mr. O'Sullivan,	Mr. Tonkin, Mr. Fuller, Mr. Perry, Mr. Creer.	Mr. O'Sullivan	4	3
21	Robert Munford's Conditional Purchases made at Molong.	3 July, 1889. Votes No. 52, Entry 14 (<i>On motion of Dr. Ross.</i>)	Mr. Teece, Mr. O'Sullivan, Mr. Barbour, Mr. Chanter, Mr. Brunker,	Mr. Wall, Mr. Ball, Mr. Kidd, Mr. Cooke, Dr. Ross.	Dr. Ross	3	2

* Discharged, 3 July, 1889.
† Added, 3 July, 1889.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1889—*continued.*

No. or Committee.	Designation of Committee.	When and How Appointed.	Members.	Chairman.	No. of Meetings.		No. of Witnesses Examined.	When Reported.
					Called.	Held.		
22	Claim of Isaac Barclay	5 July, 1889. Votes No. 54, Entry 7 <i>(On motion of Mr. Morton.)</i>	{ Mr. Hawken, Mr. Waddell, Mr. Stevenson, Mr. Brunker,	{ Mr. O. O. Dangar, Mr. Garrett, Mr. Chapman, Mr. Morton,	Mr. Morton	1	1	... 17 July, 1889.
23	Mrs. Cunyngham, late Superintendent of Macquarie-street Asylum for Infirm and Destitute, Parramatta.	5 July, 1889. Votes No. 54, Entry 9	{ Mr. Glass, Mr. Frank Farnell, Mr. Edmunds, Mr. Grahame, Mr. Hawthorne,	{ Mr. Kild, Mr. Nobbs, Mr. Ritchie, Mr. Crick,* Mr. Howe,	Mr. Howe.....	15	12	9 27 September, 1889.
24	Stockton Gas and Electricity Bill....	10 July, 1889. Votes No. 56, Entry 7 <i>(On motion of Mr. Fletcher.)</i>	{ Mr. McIlvile, Mr. Alexander Brown Mr. Greer, Mr. Ifassal, Mr. Fletcher,	{ Mr. Barnes, Mr. Hugh Taylor, Mr. Chapman, Mr. Barbour.	Mr. Fletcher	1	1	2 19 July, 1889.
25	Selections by John Harrison, of Lisnore.	19 July, 1889. Votes No. 62, Entry 5 <i>(On motion of Mr. Ewing.)</i>	{ Mr. Brunker, Mr. McFarlane, Mr. Stevenson, Mr. Frank Farnell, Mr. Ewing,	{ Mr. Garland, Mr. Lees, Mr. Perry, Mr. McCourt.	Mr. Ewing	1	1	... 23 July, 1889.
26	Conditional Purchase of Zachary Benn, Richmond River District.	19 July, 1889. Votes No. 62, Entry 6 <i>(On motion of Mr. Ewing.)</i>	{ Mr. Lyne, Mr. Brunker, Mr. Fees, Mr. McFarlane, Mr. Ewing,	{ Mr. Cooke, Mr. Nicoll, Mr. Stevenson, Mr. Frank Farcell.	Mr. Ewing	3	3	3 30 July, 1889.
27	Katoomba Lighting Bill.....	24 July, 1889. Votes No. 64, Entry 4 <i>(On motion of Mr. Barbour, for Mr. Hurley.)</i>	{ Mr. Lee, Mr. O'Sullivan, Mr. Frank Smith, Mr. Hurley,	{ Mr. Barbour, Mr. Waddell, Mr. Davis,	Mr. Hurley	2	1	2 6 August, 1889.
28	West Wallsend Coal Company (Limited) Bill.	12 September, 1889. Votes No. 91, Entry 6 <i>(On motion of Mr. Greer, for Mr. Burns.)</i>	{ Mr. Alexander Brown Mr. Fletcher, Mr. Colls, Mr. Greer, Mr. Davis, Mr. Ewing,	{ Mr. Fletcher, Mr. Hugh Taylor, Mr. Scobie, Mr. Waddell, Mr. Burns,	Mr. Burns	2	1	2 24 September, 1889.

Sydney : Charles Potter, Government Printer.—1889.

Legislative Assembly Offices,
Sydney, 10th October, 1889.

* Added 10 July, 1889.

F. W. WEBB,
Clerk of Legislative Assembly.

1889.

NEW SOUTH WALES.

ALLEGED ATTEMPTED BRIBERY OF MEMBERS OF PARLIAMENT.

REPORT

OF THE

ROYAL COMMISSION,

APPOINTED ON THE 19TH DECEMBER, 1888,

TO INQUIRE INTO AND REPORT UPON THE ALLEGED ATTEMPTED BRIBERY
OF MEMBERS OF PARLIAMENT, AND OTHER PERSONS,
IN CONNECTION WITH PROPOSED DISPOSAL OF THE TRAMWAYS IN
THE CITY OF SYDNEY AND ITS SUBURBS;

TOGETHER WITH THE

MINUTES OF PROCEEDINGS AND EVIDENCE,

AND

APPENDICES.



Presented to Parliament by Command.

SYDNEY : CHARLES POTTER, GOVERNMENT PRINTER.

1889.

CONTENTS.

	PAGE.
COMMISSION	3
MINUTES OF PROCEEDINGS	5
LIST OF WITNESSES	7
LIST OF APPENDICES	7
REPORT	9
MINUTES OF EVIDENCE	17
APPENDICES	66

Commission.

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

To our trusty and well-beloved—

CHARLES EDWARD PILCHER, Esquire, one of Our Counsel learned in the law, President;
EDWARD WILLIAM KNOX, Esquire, and
ALFRED LAMB, Esquire,—

Greeting :—

Know ye, that We, reposing great trust and confidence in your ability, zeal, industry, discretion, and integrity, do, by these presents, authorize and appoint you or any two of you, as hereinafter mentioned, to make a strict and immediate inquiry into all charges or accusations against Members of Parliament, or other persons, as contained in the Official Reports of Debates of Our Legislative Assembly on the 12th, 13th, 14th, and 18th days of December instant, so far as they tend to implicate any Member or Members of Our said Assembly, or other persons whatever, in corrupt or improper conduct in connection with the proposal of the Government to dispose of the Tramways in the City of Sydney and the Suburbs, and to take any steps which you may deem to be necessary (including visits to Melbourne or other places if so deemed to be necessary) to arrive at the truth in the premises, and to see that justice to all parties is done: And We do by these presents grant to you or any two of you, at any meeting or meetings to which all of you shall have been duly summoned full power and authority to call before you all such persons as you may judge necessary, by whom you may be better informed of the truth in the premises, and to require the production of all such books, papers, writings, and all other documents as you may deem expedient, and to visit and inspect the same at the offices or places where the same or any of them may be deposited, and to inquire of the premises by all lawful ways and means: And We do give you power at your discretion to procure such clerical and other assistance as you may deem necessary for enabling you duly to execute this Our Commission: And Our further will and pleasure is, that you do within one month after the date of this Our Commission, certify to Us, in the office of Our Colonial Secretary under your or any two of your hands and seals, what you shall find touching the premises; and We hereby command all Government officers and other persons whomsoever within Our said Colony, that they be assistant to you and each of you in the execution of these presents: And We appoint you the said CHARLES EDWARD PILCHER, Esquire, to be President of this Our Commission, which said Commission We declare to be a Commission for all purposes of the Act 44 Victoria No. 1, intituled, "An Act to regulate the taking of Evidence by Commissioners under the Great Seal."

In testimony whereof, We have caused these Our Letters to be made Patent, and the Great Seal of Our said Colony of New South Wales to be hereunto affixed.

Witness our Right Trusty and Well-beloved Councillor, CHARLES ROBERT, BARON CARRINGTON, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Our Governor and Commander-in-Chief of Our Colony of New South Wales and its Dependencies, at Government House, Sydney, in New South Wales aforesaid, this nineteenth day of December, in the fifty-second year of Our Reign, and in the year of Our Lord one thousand eight hundred and eighty-eight.

(L.S.) CARRINGTON.

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

Entered on record by me, in REGISTER OF PATENTS, No. 13, pages 287-8, this twentieth day of December, one thousand eight hundred and eighty-eight.

CRITCHETT WALKER,
(For the Colonial Secretary and Registrar of Records.)

ROYAL COMMISSION *RE* CHARGES ARISING OUT OF PROPOSED
DISPOSAL OF GOVERNMENT TRAMWAYS.

MINUTES OF PROCEEDINGS.

FRIDAY, 4 JANUARY, 1889.

PRESENT:—

Charles Edward Pilcher, Esq., Q.C., President, in the Chair.

E. W. Knox, Esq., | Alfred Lamb, Esq.

Commission read.

Commissioners deliberated as to mode of procedure.

The following witnesses were examined:—Mr. G. R. Dibbs, M.P., Mr. J. H. Carruthers, M.P., Mr. John Haynes, M.P., and Mr. R. H. Levien, M.P.

It was directed that Mr. Robert Bowman, of Melbourne, be written to and informed that the Commission are now sitting in Sydney, and desire to examine him. If Mr. Bowman should not be able to come to Sydney, he be then requested to state if he would submit himself for examination in Melbourne in the event of the Commissioners taking evidence there.

Ordered, that the following witnesses be subpoenaed for Monday, 7th January:—

Mr. T. S. Huntley, at 10:30 a.m.

The Honorable James Inglis and the Honorable Wm. Clarke, at 11:30 a.m.

Mr. Robert Smith and Mr. A. H. McCulloch, jun., at noon.

Commission adjourned until Monday, 7th January, at 10:30 a.m.

CHAS. E. PILCHER,
President.

MONDAY, 7 JANUARY, 1889.

PRESENT:—

Charles Edward Pilcher, Esq., President, in the Chair.

E. W. Knox, Esq., | Alfred Lamb, Esq.

The minutes of the previous meeting were read and signed by the President.

The following witnesses were examined:—Mr. T. S. Huntley (who was warned by the President that he need not answer any question relating to his alleged interview with Mr. Haynes, unless he chose to do so), the Hon. William Clarke, M.P.; the Hon. James Inglis, M.P.; Mr. Barling, Under Secretary for Works.

Ordered that the following witnesses be subpoenaed for Tuesday, January 8th:—Mr. John Woods, Mr. James Burns, Mr. Alfred Bennett, Mr. Archibald, at 10:30 a.m. Mr. Pritchard, Mr. E. P. Simpson, at 11:15.

Also, that a note be sent to Mr. A. H. McCulloch, junior, reminding him that he was summoned for Monday, and asking him to appear at 10:30 on Tuesday.

CHAS. E. PILCHER,
President.

TUESDAY, 8 JANUARY, 1889.

PRESENT:—

Charles Edmund Pilcher, Esq., President, in the Chair.

E. W. Knox, Esq., | Alfred Lamb, Esq.

The minutes of the previous meeting were read and signed by the President.

The following witnesses were examined:—Mr. James Burns, Mr. Alfred Bennett, Mr. F. Archibald, Mr. John Woods, the Hon. John Sutherland.

Ordered that the Secretary write to Mr. Carron Woods in reply to a letter from him, asking for the name of the gentleman referred to by him as having read a communication relative to the leasing of the tramways.

Ordered also that the Secretary call at Mr. McCulloch's office and enquire when he will return from Melbourne, and be at liberty to give evidence before the Commission.

And that Mr. Edward Pritchard be summoned for the following day, Wednesday, at 10:30 a.m.

CHAS. E. PILCHER,
President.

WEDNESDAY, 9 JANUARY, 1889.

PRESENT:—

C. E. Pilcher, Esq., President, in the Chair.

E. W. Knox, Esq.

The minutes of the previous meeting were read and signed by the President.

Mr. E. P. Simpson was examined.

The Secretary was instructed to telegraph to Messrs. Bowman and McCulloch, requesting them to attend a meeting of the Commission for the purpose of examination.

Also to summon Messrs. Edward Pritchard and Carron Woods for Friday morning.

CHAS. E. PILCHER,
President.

FRIDAY,

FRIDAY, 11 JANUARY, 1889.

PRESENT:—

Charles Edward Pilcher, Esq., President, in the Chair.
E. W. Knox, Esq.

The minutes of the previous meeting were read and signed by the President. The following witnesses were examined:—Mr. Henry Gullett, Mr. Starkey, Mr. Taylor, Mr. Pritchard, Mr. A. H. McCulloch, junior, Mr. John Woods (re-examined).

A note was received from Mr. Huntley asking permission to make an alteration in his evidence. Ordered that the correction be added as a footnote to Mr. Huntley's evidence.

Ordered that the following witnesses be summoned for Monday, the 14th instant:—Mr. Thomas Dalton, at 10:30 o'clock; Mr. Kelso King, at 10:30 o'clock; Mr. C. Cowlishaw, at 11 o'clock; Mr. John McElhone, M.P., at 12 o'clock; Mr. David Proudfoot, at 12 o'clock. That a telegram be sent to Mr. Bowman of Melbourne, offering his expenses and maintenance in the event of his coming to Sydney for examination by the Commissioners, and asking him to name a convenient day as early as possible during the following week; also, that a letter be written to Mr. James Fletcher, M.P., asking him to attend the meeting of the Commission on Monday morning the 14th instant.

CHAS. E. PILCHER,
President.

MONDAY, 14 JANUARY, 1889.

PRESENT:—

C. E. Pilcher, Esq., Q.C., President, in the Chair.
E. W. Knox, Esq., | Alfred Lamb, Esq.

The minutes of the previous meeting were read and signed by the President.

The following witnesses were examined:—Mr. Thomas Dalton, M.P.; Mr. James Fletcher, M.P.; Mr. M. C. Cowlishaw; Mr. Kelso King; Mr. McElhone, M.P.

Ordered that the following witnesses be summoned for Tuesday, the 15th instant, at 10:30 o'clock in the forenoon:—James Burns, Esq.; John Woods, Esq.; G. M'L. Matheson, Esq.

CHAS. E. PILCHER,
President.

TUESDAY, 15 JANUARY, 1889.

PRESENT:—

C. E. Pilcher, Esq., Q.C., President.
E. W. Knox, Esq., | Alfred Lamb, Esq.

The following witnesses were re-examined:—Mr. James Burns, Mr. John Woods.

Mr. G. M'L. Matheson, and Mr. David Proudfoot were examined.

Mr. Matheson was recalled and re-examined at the conclusion of Mr. Proudfoot's evidence.

CHAS. E. PILCHER,
President.

THURSDAY, 17 JANUARY, 1889.

MORNING.

PRESENT:—

Mr. E. W. Knox (in the Chair).

Mr. Alfred Lamb.

Mr. Toohey, M.P., was examined.

AFTERNOON.

PRESENT:—

Mr. C. E. Pilcher, Q.C., President, in the Chair.
Mr. E. W. Knox, | Mr. Alfred Lamb.

The following witnesses were examined:—Mr. Robert Bowman, Mr. M. E. Tonkin, M.P.

The Secretary was instructed to insert advertisements in the Sydney daily newspapers, inviting persons to come forward and give evidence before the Commission, at 10:30 a.m., on Thursday, the 24th inst.

At the request of the Commission the Chairman certified for the expenses and maintenance of Mr. Bowman.

CHAS. E. PILCHER,
President.

THURSDAY, 24 JANUARY, 1889.

PRESENT:—

C. E. Pilcher, Esq., Q.C., President.
E. W. Knox, Esq., | Alfred Lamb, Esq.

The minutes of this and the two previous meetings were read and signed by the President.

Mr. G. S. Duncan, of Melbourne, was called and examined.

At the request of the Commission, the Chairman certified for Mr. Duncan's expenses and maintenance.

CHAS. E. PILCHER,
President.

LIST OF WITNESSES.

FRIDAY, 4 JANUARY, 1889.

	PAGE.
Mr. G. R. Dibbs, M.P.	17
Mr. J. H. Carruthers, M.P.	19
Mr. John Haynes, M.P.	22
Mr. R. H. Levien, M.P.	25

MONDAY, 7 JANUARY, 1889.

Mr. T. S. Huntley	27
The Hon. William Clarke, M.P.	32
The Hon. James Inglis, M.P.	33
Mr. Joseph Barling, Under Secretary of Works.....	34

TUESDAY, 8 JANUARY, 1889.

Mr. James Burns.....	35
Mr. Alfred Bennett.....	37
Mr. J. F. Archibald	38
Mr. John Woods.....	39
The Hon. John Sutherland, M.P.	40

WEDNESDAY, 9 JANUARY, 1889.

Mr. E. P. Simpson	41
Mr. Joseph Barling (re-examined)	65

FRIDAY, 11 JANUARY, 1889.

Mr. H. Gullett.....	41
Mr. C. T. Starkey	42
Mr. G. H. Taylor	42
Mr. Edward Pritchard	42
Mr. John Woods.....	43
Mr. A. H. M'Culloch, jun.	43

MONDAY, 14 JANUARY, 1889.

Mr. Thomas Dalton, M.P.	44
Mr. James Fletcher, M.P.	45
Mr. M. C. Cowlishaw	45
Mr. Kelso King	47
Mr. J. McElhone.....	48

TUESDAY, 15 JANUARY, 1889.

Mr. James Burns (re-examined)	49
Mr. John Woods (re-examined)	51
Mr. G. McL. Matheson, M.P.	52
Mr. David Proudfoot.....	53
Mr. G. McL. Matheson, M.P. (re-examined)	54

THURSDAY, 17 JANUARY, 1889.

Mr. J. M. Toohey, M.P.	55
Mr. R. Bowman	55
Mr. J. G. Tonkin, M.P.	62

THURSDAY, 24 JANUARY, 1889.

Mr. G. S. Duncan	64
------------------------	----

LIST OF APPENDICES.

Communication accompanying the tender of Mr. John Woods' Syndicate Order in Bankruptcy releasing the estate of Mr. Robert Bowman.....	A
Affidavit of Mr. Patrick Pigott	B
List of the shareholders in the N.S.W. Tramway Company	C
	D

ALLEGED ATTEMPTED BRIBERY OF MEMBERS OF PARLIAMENT.

REPORT.

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

MAY IT PLEASE YOUR EXCELLENCE,—

As Her Majesty's Commissioners, appointed by Letters Patent under the Great Seal of the Colony, dated the 19th day of December, 1888, to make a strict and immediate inquiry into all charges or accusations against Members of Parliament or other persons, as contained in the official reports of the debates of the Legislative Assembly of New South Wales on the 12th, 13th, 14th, and 18th days of December last, in so far as they tend to implicate any Member or Members of the said Assembly, or other person whatever, in corrupt or improper conduct in connection with the proposal of the Government to dispose of the tramways in the city of Sydney and the suburbs, we have the honor to submit to your Excellency the following Report:—

The charges or accusations contained in the reports of the debates on the days named are as follows:—

Upon the 12th December Mr. Dibbs, then the Leader of the Opposition, is reported to have said,—

There are lists containing the names of Honorable Members of this House for whom certain shares are set aside, provided they hold their tongues and allow a feeling motion of this sort to be passed. I speak on authority, and I make the statement that in one or two of the syndicates formed to tender for the tramway shares had been put aside to secure the co-operation of Honorable Members of this House. * * * The Honorable the Minister for Justice can tell us more about this affair, and more about Mr. Fehon's appointment than any other men. He can tell us whether Mr. Fehon, nominally as Railway Commissioner, is not here for the purpose of piloting through the leasing of the tramways to a Melbourne syndicate.

On the following day Mr. Dibbs is reported to have said,—

By way of personal explanation I should like to set at ease the mind of the honorable gentleman who has just spoken, and explain to other honorable Members who appear to have misunderstood what I said last night. I did not charge any honorable Member of this House with having been guilty of corruption, or with having received any bribe. What I distinctly said was this: that syndicates have been formed—and I mentioned four of them—for the purpose of tendering for the Tramway Service, and that shares have been set aside for those Members of the House who might be kept silent on the occasion. I did not charge any Member of the House with having accepted a bribe in any shape or form.

On

On the 13th December Mr. McElhone is reported to have said,—

We have had the Minister for Justice and the Minister for Public Instruction going down to Melbourne. The agent there for the Melbourne Tramway told me that two of our Ministers were over there, and that they were in the syndicate, and had a large interest in it. This is part of the robbery and jobbery of the Government headed by Sir Henry Parkes.

On the same day Mr. Levien is reported to have said,—

I was introduced to a gentleman of the name of Mr. Robert Bowman, 26, King-street, Melbourne. He was a Member of the Legislature of Victoria, and a wine and spirit merchant. He said to me, "I would like to see you to-morrow; I have something I should like to say to you. I wish you would come and speak to me." He did not mention the matter about which he wished to speak; but I thought it was something in connection with racing matters, he being of a sporting turn of mind. I said, "I will meet you." The next day I met this gentleman, I think, in Collins-street. He said, "What I wanted to speak to you about was with reference to the leasing of the tramways in New South Wales. I am working up a syndicate, and I have got a good deal to do with it. You are a Member of the Legislature of New South Wales, and if you will assist us you will have a good chance of being solicitor." It may be very amusing, but nevertheless it is true. We have been told that all the things that have been said in reference to Members were untrue; but I am one of those who believe there is a great deal of truth in it. I said, "I don't want the solicitorship of this business. That is not my game." He then said, "I believe there is in New South Wales a gentleman named Pritchard who attends to things of this sort. Do you think we could get him in?" He also said, "We have the Minister of Justice and the Minister of Public Instruction." I believe it my duty to mention the matter to the House, and if I were ungenerous enough to make these charges merely to injure those two hon. Members, I should be condemned by every honest man. I noticed that the leader of the Opposition said last night that there would be a certain number of shares for Members of Parliament; and Mr. Bowman said to me in Melbourne, "We intend to reserve a good many shares for Members of Parliament; but it is the Opposition that we fear. We know that the Government supporters are all right." If these statements are untrue, they are a gross libel. The matter rests between Mr. Bowman and the two Members to whom I have referred. I ask the Premier now to tell those hon. Members in their own interests, and for the sake of the Government, to go and clear their characters in the eyes of the country. The whole case will rest upon the evidence of Mr. Bowman and myself. I have here a card of Mr. Bowman's with his handwriting on it, and in the course of conversation to which I have referred.

On the same day Mr. Haynes is reported to have said :—

About four months ago I was met in one of the streets of this city and was most undoubtedly offered a large bribe to support this proposal to lease the tramways.

Mr. McElhone :—Name ! Name !

Mr. Haynes : The hon. Member will not get the name until the right time. I intend to vote for this proposal, and when the House comes to deal with the question of leasing the trams, if this individual is connected with the syndicate, I will expose the whole thing. I was careful enough to state the fact three months ago to a well-known citizen, who made a note of it so that I might not be tripped up. I was offered, if I would support the leasing of the tramways to these people, 1,000 sovereigns and 1,500 paid-up shares. * * * About three months ago, as I was walking up King-street, I was met by a gentleman whom I know in this city. He told me that the leasing of the trams would be brought before the House shortly, and he said that if I supported the matter, and saw it go through, his syndicate would stand me 1,000 sovereigns, and give me a receipt showing that I had subscribed fully for 1,500 shares in the syndicate for leasing the trams. * * * Well, Mr. Huntley made me that offer in King-street. I approved of the principle of leasing the tramways; but I intended to interpose the statement I made to-night when the question of dealing with the leasing came up for consideration. The statement is absolutely and in every particular correct, and I make it, not accidentally, but intentionally, and with a determination resolved upon more than three months ago. I hear the Secretary for Public Works say that this gentleman was not in his office. He was not in the Minister's office, but he was in the lobby of the Public Works Department. He was standing there with a number of other people. * * * About three months ago I was walking up King-street to the Assembly when I was met by the person before the bar of the House, Mr. Thomas Huntley, who stopped and told me that Parliament would shortly be dealing with the question of the leasing of the trams, and he stated that if I would assist in that matter with others, I should get 1,000 sovereigns for my work, and in addition get 1,500 paid-up shares, which would be given to me in this way: that I would get a receipt as having paid for the shares, and the shares would be handed to me in due course. (An hon. Member: What shares?) Mr. Haynes: In a syndicate, which was to lease or take the trams from the Government. That is my statement distinct and clear.

On the 18th December Mr. Carruthers is reported to have said :—

I was coming out of the Fresh Food and Ice Company's shop in King-street, when I met a gentleman, Mr. T. S. Huntley. Mr. Huntley is a person with whom I have been acquainted for some five or six years past. He is a constituent of mine, and an alderman of a neighbouring borough to where I reside. During my acquaintance with him I have never known anything derogatory to his character, or anything that would tend to cause me to be suspicious of intercourse with him in any shape or form. This gentleman, after giving me an ordinary salute, and making a few common-place remarks, said, "What do you think about this tramway business?" This was in King-street, in the open street. "Well," I said, "I don't know; I don't know what you mean." He said, "I mean with regard to letting this Melbourne crowd have our tramways without anybody knowing anything about it." I said, "I do not think that is a proper thing." He said, "I do not think it is a proper thing either. We Sydney people ought to be allowed to come in and have the same show as the Melbourne people." I said, "Most decidedly; and more than that, I think that if the tramways are to be sold the general public throughout the world should have a fair and plain opportunity of tendering, and buying them in the same way as any other property

property would be bought and sold." He said, "Supposing an attempt were made to have a resolution passed in the House that if the tramways are to be sold or leased it should be done in the most open and public manner possible, would you be inclined to support that?" I said, "Supposing the tramways are to be sold or leased, I certainly think, as I have said before, that they should be leased in a public manner, and in a manner best calculated to get a good price for the Government." He said, "That is all I want—fair play; a fair field and no favour. Now," he said, "I may as well tell you what I have done. I have been interesting myself lately, and I have formed a public company, composed entirely of Sydney men; men who are worth any amount of money, who can plank down their £1,000,000 for the purchase of the tramways if we get a chance." He said, "The men who are in the company are the best men we have in Sydney; they are known as men of honorable character, and as men of means." He mentioned the names of some of them to me; but they have escaped my memory, with one exception, that of Mr. C. F. Stokes. "Now," he said, "It is a real good thing if we succeed." He said, "I cannot ask you or anybody else to take up shares, because the shares are all gone; and, more than that, we have decided to have no Member of Parliament in the syndicate—not to allow any Member of Parliament, or any person holding a public office, to hold shares, because we think that the fact might be used to injure them, and to injure us; therefore we thought it best to have no Member of Parliament mixed up with us. But I will tell you what we have done, so that you will not think there is any unfairness in keeping Members of Parliament out of it simply on account of their position. We are about to reserve a number of shares"—I think he said 50,000, but I am not sure—"provided we succeed in getting the trams, to be allotted amongst Members of Parliament." Honorable Members laugh. If they laugh because they think there is something corrupt here they are laughing very much out of place. It is a matter for solid shame that a bribe of any description should be offered to any Member of this House. Honorable Members, I say, are laughing at the wrong time and in the wrong place. If they let me proceed they will see that the attempt to foul and besmirch the character of this Parliament, which is involved in this matter, will fail most signally. This gentleman said:—"We are about to reserve a certain number of shares, say 50,000—provided always that we succeed in getting the contract—to be allotted amongst Members of Parliament and others who are now precluded from joining in, at par. After the thing is over, any Member can come in and make his application, and it will be dealt with by the Board." I said:—"Mr. Huntley, I think you make a very grave mistake indeed in having any such proposal or mixing up any such matter with a public company. Depend upon it no Member of Parliament, so far as I know the Members"—honorable Members need not think this is something as an afterthought, for I can undertake to put Mr. Huntley upon his oath, and, if he speaks the truth, make him corroborate my statement—I said:—"From my knowledge of the Members of Parliament I do not think any of them require any incentive of that character (because I treated it then as something held out as an incentive) to do their duty. If you want to get this thing through, if you want to be the successful tenderers, go in on your own merits; let matters take their own course in a straightforward and honorable manner, and you have got nothing to fear. You will have your equal chance with the whole world. Take my advice, Mr. Huntley, and never mention such a subject to anybody again."

In addition to these specific charges, insinuations and suggestions were made during the debate imputing dishonesty and corruption both to Members of Parliament and to private persons who were interested in the syndicates formed for the purpose of tendering for the Tramways. We have called before us and have examined the gentlemen who are reported to have made these charges and accusations, and all other persons who we were informed, or thought, could give us any information on the subjects of our inquiry (with the exception of Mr. Robert Smith, who left for England before the first sitting of the Commission). The evidence of all the witnesses is attached hereto.

We have thought it well, in framing our Report, to take the charges in the order in which they are here placed.

MR. DIBBS' CHARGE.

Mr. Dibbs, in his evidence given before us, explains that he made the charges above set out upon the authority of certain statements made to him by Mr. A. H. McCulloch, junior, and Mr. Robert Smith, of Norton, Smith, & Co.; that the suspicions engendered by those statements were increased by his distrust of the general conduct of the Government, and by the apparent anxiety of certain strangers who were present during the debate in the fate of the Government resolutions. Mr. Dibbs distinctly says that he makes no imputation against these gentlemen, and that they were interested in the tendering syndicates.

After

After fully considering the reasons given by Mr. Dibbs, we find that they do not justify the charges he has made—charges which he himself admits do not impugn the honour of Members of Parliament, but which certainly are a very grave reflection upon many prominent and respectable citizens. Mr. Dibbs no doubt made these charges in all good faith, believing in them at the time he made them, but they are not supported by the evidence.

MR. MC ELHONE'S CHARGES.

Mr. McElhone says that Mr. Proudfoot informed him that a Mr. Duncan, of Melbourne, had told him that the Government of New South Wales had already made arrangements to lease the tramways to a Melbourne syndicate, and that Mr. Clarke, the late Minister for Justice, was largely interested in that syndicate. Mr. McElhone also says, upon the authority of Mr. Proudfoot, that Mr. Matheson, a Member of the late Assembly, made a similar statement to him, Mr. Proudfoot, so far as regards the leasing of the tramways.

We examined Mr. McElhone, Mr. Proudfoot, Mr. Matheson, and Mr. Duncan. Mr. Proudfoot's evidence substantially corroborated that given by Mr. McElhone, except that he would not be sure that Mr. Clarke's name was mentioned in connection with the syndicate.

Mr. Matheson states that he did in effect tell Mr. Proudfoot what he is represented to have said about the leasing of the tramways, but that he did it to silence an objectionable visitor, and without any authority or knowledge to justify his statement.

Mr. Duncan, it will be noticed, gives the most complete denial to Mr. Proudfoot's account of the interview between them.

Upon this evidence we have come to the conclusion that there is nothing to justify the statement that Mr. Clarke was interested in the syndicate referred to or that any arrangements were made between the Government of New South Wales and the Melbourne tramway syndicate, as alleged by Mr. Proudfoot.

MR. LEVIEN'S CHARGE.

Mr. Levien stated that Mr. Bowman, of Melbourne, informed him that the late Minister of Justice and the late Minister of Public Instruction either were to have, or had, interests in the syndicate which that gentleman was then forming, in the event of his syndicate obtaining the lease of the Tramways.

Upon this charge we examined Mr. Levien, Mr. Bowman, Mr. Clarke, the late Minister of Justice, Mr. Inglis, the late Minister of Public Instruction, and Mr. Pritchard, whose name is mentioned by Mr. Levien in his evidence. In addition we obtained from Mr. Bowman the names of all the persons who were interested in his syndicate. Mr. Clarke and Mr. Inglis both absolutely deny that there is any truth in the statement alleged to have been made by Mr. Bowman, and Mr. Bowman positively swears that he never made any such statement.

We also examined Mr. Pritchard, who corroborates Mr. Inglis in this: that the latter gentleman advised Mr. Pritchard not to have anything to do with Mr. Bowman.

This evidence, in our opinion, altogether fails to substantiate the charge made by Mr. Levien.

MR.

MR. HAYNES' CHARGE.

Mr. Haynes says that about four months ago, when on his way to the House in the afternoon, he met Mr. Huntley, at the corner of King and Castlereagh streets in King-street; that in the course of a short conversation Mr. Huntley offered him £1,000 and 1,500 paid-up shares in the syndicate with which he was associated, on condition that he (Mr. Haynes) would support the granting of the lease of the tramways to Mr. Huntley's syndicate.

Mr. Haynes also said, in support of this charge, that shortly after the offer was made to him he mentioned the matter to Mr. Bennett, of the *Evening News*, and Mr. Archibald, of the *Bulletin*.

Upon these charges we examined Mr. Haynes, Mr. Bennett, Mr. Archibald, and Mr. Huntley, and in connection therewith we shall have to refer to the evidence given by Mr. Carruthers, Mr. Kelso King, Mr. Burns, Mr. Cowlishaw, and Mr. McCulloch.

Mr. Bennett says that Mr. Haynes did call upon him one day about noon, and told him that an offer of a bribe in connection with the tramway leasing proposals had been made to him that morning in Pitt-street by a person whose name Mr. Haynes did not disclose, and that Mr. Haynes promised him (Mr. Bennett) to endeavour to obtain an offer of the bribe in writing.

Mr. Archibald says that he met Mr. Haynes one day in Pitt-street, about 2 o'clock in the afternoon, when Mr. Haynes said, "I have caught them at last;" and further informed him that he had been offered a bribe of a thousand or two for his support of the tramway leasing proposals. Also, that Mr. Haynes did not disclose the name of the person who offered the bribe, though requested to do so. From the evidence it appears that Mr. Haynes had not discovered Mr. Huntley's name at the time of the debate in Parliament, though he frequently saw him in the meantime.

Mr. Carruthers states that during the formation of the syndicate, which ultimately became the New South Wales Tramway Company, Mr. Huntley told him that they did intend to reserve a certain number of shares to be applied for by Members of Parliament and other persons in a public position after the resolutions had been dealt with, and that these shares were to be allotted at par when applied for by such persons. This statement Mr. Huntley admits, but says that the idea was never communicated by him to any of the gentlemen composing the then syndicate, nor were they cognizant of it, and that after the conversation with Mr. Carruthers he abandoned the idea. Mr. Carruthers also says that in his conversation with Mr. Huntley he certainly did not view Mr. Huntley's intended proposal as anything calculated to be a bribe to Members of Parliament.

We have also the evidence of Mr. Kelso King, who says that Mr. Burns, of Burns, Philp, & Co., the chairman of the New South Wales Tramway Company, before the registration of that company, told him that they had reserved, or intended to reserve, 100,000 shares for Members of Parliament. This statement Mr. Burns denies; and it will be observed that if such reservation was contemplated by either Mr. Huntley or Mr. Burns, it was before the company was registered, and when the venture was in a syndicate form.

On

On the other hand, Mr. Huntley most positively swears that he did not meet Mr. Haynes as that gentleman alleged, and that he did not have any conversation with him, nor did he make him any offer of any kind, either at the time and place named by Mr. Haynes or at any other time and place.

The evidence of Mr. Huntley, Mr. James Burns, and Mr. Cowlishaw, is to the effect that at the time of the alleged conversation with Mr. Haynes no shares were reserved in the New South Wales Tramway Company for Members of Parliament, and that Mr. Huntley had no authority to make any such offer, and that no such promise would have been recognized or fulfilled. Mr. Burns and Mr. Cowlishaw further state that such a reservation was never contemplated in their company.

We also had before us the whole of the books and share list of the New South Wales Tramway Company, and found that all the shares in the company, with the exception of 24,000, were allotted; and the minute-book does not disclose any reference to shares reserved for any purpose whatever.

Upon this evidence we have to state that Mr. Haynes has not made out his charge against Mr. Huntley; at the same time we do not desire to make any reflection upon Mr. Haynes, because from the nature of the case the charge made by him would be difficult of proof unless he had succeeded in fulfilling his promise made to Mr. Bennett and obtained an offer of the bribe in writing.

MR. CARRUTHERS' CHARGE.

The next charge is that made by Mr. Carruthers. We have already referred to this in dealing with the evidence upon the charge made by Mr. Haynes. Mr. Carruthers' statement is admitted by Mr. Huntley; and Mr. Huntley's statement that he abandoned the idea of reserving shares for Members of Parliament is supported by the books of the New South Wales Tramway Company, which show that all the shares except 24,000 were actually allotted before the tender was sent in.

THE GENERAL CHARGES.

With reference to the suggestions of bribery, to which definite shape was not given, we have only to say that in our opinion these have proved to be as devoid of solid foundation as the more specific charges which we have dealt with in the foregoing pages. These insinuations against the honour and good faith of Members of Parliament and others appear to have arisen from rumours and suspicions which we believe to be unjustifiable and totally unsupported by facts.

We feel bound to add that a comparison of the evidence given before us, with the speeches as reported in *Hansard*, will in more than one instance show that gentlemen who made positive statements in Parliament implying a full knowledge of the alleged corruption were admittedly unable to give us any information upon the subject when under examination before us. One witness stated that he believed in the dishonesty of Mr. Clarke because of certain conditions which he was informed were embodied in the specification accompanying the advertisement calling for tenders. It turned out, on inspection of the specification, that this gentleman's information was entirely erroneous. This instance shows how easily suspicions are created, and consequent rumours set afloat, and what value can be attached to either.

We

We have the honor, in conclusion, to report to your Excellency that in our opinion the charges of bribery and dishonesty made in the debates of the Assembly cannot be sustained; and that, with regard to the special accusation made by Mr. John Haynes against Mr. T. S. Huntley, Mr. Haynes has failed to satisfy us that a bribe was offered to him by Mr. Huntley.

Certified under our hands and seals this 25th day of January, 1889.

CHAS. E. PILCHER, PRESIDENT.

EDW. W. KNOX.

ALFRED LAMB.

**ROYAL COMMISSION ON ALLEGED ATTEMPTED BRIBERY OF MEMBERS
OF PARLIAMENT.**

MINUTES OF EVIDENCE.

FRIDAY, 4 JANUARY, 1889.

Present:—

C. E. PILCHER, Esq., Q.C., PRESIDENT,	A. LAMB, Esq.
W. E. KNOX, Esq.,	|

THE PRESIDENT IN THE CHAIR.

George Richard Dibbs, M.P., called in, sworn, and examined:—

1. *President.*] I believe you are a Member of the Legislative Assembly? Yes. G. R. Dibbs,
M.P.
2. And I believe you are the leader of the Opposition? Yes.
3. This Royal Commission has been appointed in consequence of certain statements made in the Assembly on the 12th, 13th, 14th, and 18th December last. On one of those days you are reported in *Hansard*, page 1131, as follows:— 4 Jan., 1889.

Perhaps the hon. Member is not aware of what is passing. There are lists containing the names of hon. Members of this House, for whom certain shares are set aside, provided they will hold their tongues and allow a feeling motion of this sort to be passed.

HON. MEMBERS : Name! Name!

Mr. DIBBS : Hon. Members will have the names in due time.

Sir HENRY PARKES : Would it not be better to give them now?

Mr. DIBBS : The hon. Member will have them when I like to give them.

HON. MEMBERS : Give them now! Name!

Mr. DIBBS : I speak on authority when I make the statement that in one or two of the syndicates formed to tender for the tramways, shares have been put aside to secure the co-operation of hon. Members of this House. I am not the man to make statements of that kind without sufficient foundation. The Government has been negotiating with regard to those tramways for some months; and I would like to ask who drew up the specifications which appeared in the *Gazette*.

Further on you are reported to have said :

It is no use saying that, because the Government have not. Tenders were called on a date before the specifications could reach other parts of the world. The Government should have taken steps to get tenders from England, the Continent, and America. In due time I will substantiate what I have said as to shares having been set aside for Members of this House to secure their silence, and when they have influence to secure their co-operation.

Sir HENRY PARKES : Those Members must be on the Opposition side!

Mr. DIBBS : They rely upon hon. Members supporting the Government to lend themselves or to give away their feelings entirely to the speech of the Premier.

Mr. C. A. LEE : It is only just to us to mention their names.

Mr. THOMPSON : The hon. Member should give his authority.

Mr. DIBBS : I will give you the names and my authority in good time.

Mr. FRANK SMITH : The hon. Member should do so before a vote is taken.

At page 1133, in answer to an interjection by Mr. O'Connor, you are reported to have said:—

Mr. D. O'CONNOR : Has he been apprehended by the police since?

No; but I believe they will have some of the members of the syndicate, and they may have some Members of the Government before this matter is done with. These gentlemen are prepared to give over and above the money invested a bonus of £500,000 for forty years. The money is already subscribed to pay a deposit into the Colonial Treasury.

Then at page 1232, on the following day, you are reported to have made these remarks by way of personal explanation:—

By way of personal explanation, I should like to set at ease the mind of the hon. gentleman who has just spoken, and explain to other hon. Members who appear to have misunderstood what I said last night, that I did not charge any hon. Member of this House with having been guilty of corruption, or with having received any bribe. What I distinctly said was this: that syndicates had been formed—and I mentioned four of them—for the purpose of tendering for the tramway service, and that shares had been set aside for those Members of the House who might be kept silent on the occasion. I did not charge any Member of the House with having accepted a bribe in any shape or form.

Mr. ABIGAIL : The hon. gentleman said that Members of the Government should be in the hands of the police. That is the charge!

I said nothing of the kind. I have a right to interpret my own language, and there can be no mistake as to the words I used. I said that the air was thick with suspicions. And surely the statements made here to-night show that there were grounds for these suspicions. So far as the attempt is made to fix upon me that I charged Members of this House with accepting any bribe, or being parties to any bribe, I deny that I made any such statement. I only alleged that syndicates had been formed, and that shares in those syndicates had been set aside for Members of Parliament. I did not charge hon. Members, either individually or collectively, with being parties to any bribe.

With reference to the remarks reported at pages 1131 and 1133, do you desire to give any information to the Commission? Nothing beyond this, that the statements made by me in those two pages have been confirmed by Members of the House who have come forward and given themselves as the parties to whom shares had been offered. I had heard of some parties in the House having been offered shares; in fact I had heard of Mr. Carruthers having been offered shares, and Mr. Carruthers came forward in the House and gave the information which connected the statement I made with the fact. I had heard from

a

G. R. Dibbs, a friend of Mr. Carruthers, whose name Mr. Carruthers gave up in his speech—Mr. McCulloch—of shares M.P.
 being set aside in some deeds of agreement that had been made,—I had not seen the deeds,—and that Mr. Carruthers had been offered shares. That is what I was alluding to. Mr. Carruthers came forward and gave the whole of the information to the House, his announcement having been preceded by a similar statement by Mr. Haynes. Of Mr. Haynes I know nothing.

4. Then who were the Members upon whose information you made those statements? I made the statements in a general way, as explained in my remarks at page 1232 of *Hansard*, as I had been informed of the existence of syndicates, and as to the existence of syndicates there is no doubt—that has been admitted. That portion of my statement which refers to the £500,000 was from a member of one of the syndicates—Mr. Robert Smith. He gave me the information about that, and he also gave me information about the existence of other syndicates. He told me that to his knowledge other syndicates had set aside shares for Members of Parliament; but he stated that the syndicate which he represented was making an honest tender for the work, stating positively that they were not mixed up in any way with the setting aside of shares for Members of Parliament, but at the same time he said he knew that others were doing this. That information I received on the day that I made the statement in the House.

5. Do you allude to Mr. Robert Smith, of Norton and Co.? Yes. Mr. Smith told me of the existence of two syndicates—a Melbourne syndicate and a Sydney syndicate, and the syndicate he proposed to tender for—and it was all arranged—was a third syndicate. He told me they had subscribed the money to make the necessary terms, and he believed they would give over £500,000 as a bonus.

6. *Mr. Lamb.*] Over the cost of the tramways? Yes.

7. *President.*] As far as I understand the matter the £500,000 was quite legitimate. It simply means that that is their value of the goodwill? Yes; the goodwill and the right of the streets. We were out on the water at the time and it was past 12 o'clock on the day when the tenders were to have been sent in; so that we were speaking of things which had occurred. The tender was in, so that there could be no mistake about it. We were out on a picnic excursion on that very day, when all the arrangements were made, and coming back from the picnic I made the statement in the House. But Mr. Smith distinctly gave me to understand that the syndicate with which he was connected made no such provision as the setting aside of shares for Members of Parliament.

8. Then you understood from Mr. Smith that the syndicate to which he belonged had not made any provision in any way whatever to interfere with the honesty of Members of Parliament? I understood that distinctly. But he told me that he believed others had, and I told him I had heard the same report too. I told him I had heard that other syndicates had made provision for shares to be allotted to Members of Parliament upon certain terms so that his statement agreed with what I had heard, and I heard it from Mr. McCulloch, who had heard it from Mr. Carruthers, who had been tempted and who had been offered shares, and had entered into all the details with Mr. McCulloch.

9. Do I understand, then, that the information upon which you made the statement in the House was the information you had obtained from Mr. McCulloch and also from Mr. Robert Smith? Yes. The information was conveyed to me in the form of a conversational statement by Mr. McCulloch of the existence,—as I believed, to his knowledge—of two syndicates, in both of which, or the agreements for which, provision had been made for setting aside a certain portion of shares—upon what terms I do not know—for Members of Parliament who would favour the passing of the tram proposals. That statement made by Mr. McCulloch was so far confirmed in conversation with Mr. Robert Smith as to give it, in my opinion, the appearance of perfect *bona fides* to enable me to make the statement which I did.

10. Of your own knowledge do you know of any attempt being made, in any shape or form, to interfere or bribe any Member of Parliament? I would not swear to that of my own knowledge. One may hear statements made and you may get a strong instinct of what is going on from surrounding circumstances, and I spoke under that instinct. For instance, you see gentlemen who dabble largely in these matters in close attendance at the House, in close conversation with Members of the House; you see them behind the Speaker's chair, and you see them there night after night, and at all hours of the night; and you notice a variety of things which you cannot give definite shape to or make legal evidence of, but which occur to a man's mind, and upon which he may form a strong opinion which may be pretty true; but you cannot make legal evidence of it, nor can I swear to it as a matter of fact.

11. Then do I understand you to say that the information you obtained received confirmation in your mind from the fact of certain gentlemen being constantly in attendance at the House during this debate? That all helped to confirm.

12. It was an element in your mind? Yes—the intense interest taken in the matter. And I would also say, that clear confirmation was furnished by two Members of the House; who, speaking after me in the debate, said they had been offered a bribe, and thus gave a strong colouring of fact to my bare statement made under the instinct with which I acted. One may have a strong suspicion from surrounding circumstances, but when those strong suspicions are borne out by facts and the statements of Members to whom bribes were offered, that is strong colouring to give countenance to the statement I made.

13. If the statements are true, that is a strong confirmation of your suspicions? Yes; I have no reason to doubt that the statements are true. They have been denied in one case; but so far as Mr. Carruthers' statement is concerned it has not been denied in any way that I can see. Mr. Carruthers made the statement upon his honor and so did Mr. Haynes, and these statements made by these two men upon honor confirmed largely the suspicions which I had gathered in my own mind from a variety of surrounding circumstances that occur when you are in communion with a hundred people in the House, and thousands of people outside. You gather up the idea in your own mind, and it is confirmed by the fact.

14. You stated just now that the attendance of certain people at the House during the debate formed an element in your mind in arriving at a conclusion? Of intense personal interest.

15. Who were the persons whom you noticed? Gentlemen from Melbourne, and some from Sydney.

16. Do you remember their names? Mr. Jennings was behind the Speaker's chair; a gentleman named Fraser, an auctioneer, was behind the chair. There was also Mr. Andrew Rowan, of Melbourne, and another Melbourne gentleman, whose name I have forgotten.

17. Was it the Secretary of the Melbourne Tramway Company, Mr. Clapp? I do not know. He was a military looking individual with a moustache, and evidently a man of some standing and position, but I have forgotten his name. These gentlemen were there at late hours of the night, and very early in the morning, intensely interested in this matter, and from conversations I had with them I think they were pretty

pretty certain that the resolution would be carried by a large majority. I had a conversation with them about it. G. R. Dibbs,
M.P.

18. With reference to those gentlemen whose names you have mentioned, do I understand that it was simply their presence there and the great interest they seemed to take in the matter that drew your attention to them? Yes; but I make no personal imputation upon any one of them. 4 Jan., 1889.

19. I notice at page 1232 of "Hansard" that you make a personal explanation which has already been read;—do I understand you to say that that explanation given by you at page 1232 is the explanation you adhere to of what you said at page 1131? Yes, that is so.

20. I have asked you already whether you know personally of any attempt to bribe or of any bribery? Yes, and I said I did not.

21. And were your suspicions which were aroused from what you heard from Mr. McCulloch and Mr. Smith mainly based upon those statements? Mainly.

Joseph Hector Carruthers, M.P., called in, sworn, and examined:—

J. H.
Carruthers,
M.P.

22. *President.*] Are you a Member of the Legislative Assembly? Yes.

23. For what constituency? Canterbury.

24. How long have you been a Member? Since the last general election.

25. You were present, I believe, in Parliament on the 18th December last, when the discussion on the proposed leasing of the tramways took place? Yes; I was there two nights when the debate occurred. 4 Jan., 1889.

26. Were you there on the 18th? If that is one of the nights, I was there. The 18th was the night after the discussion, the Tuesday after the discussion on the leasing of the tramways. I was present then.

27. And you made a speech? I did.

28. I find by *Hansard*, pages 1259-63, that you made a speech, which I will read:—"On Thursday evening, or Friday morning"? I have read that speech, last night or yesterday morning. It is a correct report of what I said, almost *verbatim*.

29. I will read this passage:—

Now, the facts are simply these: Something like four or five weeks ago, during the currency of a debate in this House, the hon. Member for Eden, Mr. Garvan, had occasion to use a volume of *Hansard*, so I was informed by the librarian then, which within half an hour afterwards I desired to make use of myself. I went to the library and sought the volume, but was informed that the hon. Member for Eden had it. I then searched for him, but I did not find him in the House, and one of the messengers informed me that he was in the Opposition room. I went to the Opposition room, opened the door, and said, "Gentlemen, excuse me. Is Mr. Garvan here?" He was not there, and the hon. Member for Newcastle, who is always very friendly to me, said, "Come in, Joe; I want to see you." The hon. Member passed some casual remark, and the hon. Member for Tamworth, Mr. Levien, also spoke to me, and I shook hands with him. That was how I came to be in the Opposition room, where I remained a few seconds. Immediately after what I have mentioned—and I regret to have to divulge any conversation—the conversation turned on the tramway question, and I heard rumours bruited about that there was a great swindle on; that some Members of the Government were in it; and that there was general corruption in Parliament.

The expression I want to draw your attention to is this: "I heard rumours bruited about that there was a great swindle on" ? That was in the Opposition room. I heard the remark made in a general way that "there was a great swindle on;" they thought "somebody was going to make a pool out of it." I cannot give the exact remarks, more than that that was the general tenor of the observations which were thrown out as interjections from one to another, and the fact that there was a great swindle on, and that there was to be a big pool scooped by somebody.

30. Who were the persons in the room at that time, as far as you remember? I recollect that Mr. Fletcher was there; Mr. Wall I know was there, by his statements afterwards in the House; Mr. Dalton was there.—

31. Mr. Levien? I think Mr. Levien was there, although he was rather doubtful about that. He has a very vague recollection about it. I do not know who else was there. There were five or six more there, I know. I went in there, and I was only there two or three minutes, and I had my back turned to most of those in the room during that period. There were some sitting down at the table writing, and all I could see of them was the top of their heads. I did not take any pains to discover who was or who was not there, and it is only of the one or two chief persons who addressed me that I have any recollection.

32. Who were they? Mr. Fletcher, Mr. Levien, and Mr. Dalton. Mr. Fletcher and Mr. Dalton were sitting face to face to where I was standing.

33. Were these charges to which you refer made by Mr. Fletcher and Mr. Dalton? I would not like to put the charges actually into the mouths of anyone. The gentlemen whom I recollect as speaking more than anyone else were Mr. Fletcher, Mr. Dalton, and, I think, Mr. Levien, in spite of the slight doubt that exists in my mind as to whether Mr. Levien was there. My recollection goes to bear me out that Mr. Levien was there. He took part in the conversation. Those were the three gentlemen whom I recollect as having spoken at all.

34. Can you remember the particular form in which the charges were made more accurately than you have mentioned already? No; they were mere assertions thrown out—just a word or two—"great swindle on"—vague charges of that description.

35. Vague charges? Very vague charges.

36. Were the gentlemen in the room Government supporters or Opposition men? They were Opposition Members.

37. Can you remember anything definite that was said at that conversation? I cannot remember anything more; it all happened in a much shorter space of time than you have taken to examine me; it was all over in two or three minutes—my remarks and their remarks. I think I have given almost every word said by them—just interjections thrown out.

38. You go on to say that this was said: "That some Members of the Government were in it, and that there was general corruption in Parliament." Do you remember who said either of those things, or words to that effect? The words, so far as I remember, were just as I have stated there. Whoever it was speaking at the time said that he believed that some of the Ministers were in it—he mentioned no names—and that some Members were in it.

39. Did they mention any names? No names were mentioned at all.

40. Did you know in any way to whom they referred? No, there was no inference to be drawn from what they said, beyond the plain remark that they made. 41.

J. H.
Carruthers,
M.P.
4 Jan., 1889.

41. This is another portion of your speech,—

I was asked how I felt on the leasing of the tramways; and I said that I did not care about the proposal, and about the policy that was being pursued with regard to the leasing of the tramways—that I objected to the leasing of the tramways under the present conditions. The statement was then made by an hon. Member, followed by another from another hon. Member, that there was an atmosphere of suspicion surrounding the whole thing.

Who was it said that? I think Mr. Fletcher.

42. And "that they heard that Members were in it";—who said that? I could not actually state. I believe almost everybody in the room who was speaking at all said something to that effect.

43. Including yourself? I had not spoken. I had not said anything up to that time on the question.

44. "That there was a list of shares to be allotted to Members; that some Ministers were in it, and that some were going to make a big pool out of it";—who said that? I would not like to be certain about that. The three gentlemen whom I remember to have spoken were, as I have said before, Mr. Fletcher, Mr. Dalton, and Mr. Levien, and whether one of them said it, or whether another said it, I could not say. I would not like to fix the remark on any one individual, for the simple reason that they were all speaking. It seemed to be a babel of charges of this description, the same as I afterwards heard in the House itself, thrown out on all sides as fast as they could be said, and to attempt to put the charge into the mouth of one individual is impossible. Every one who spoke in the Opposition room that evening had the same story to say, that there was "an atmosphere of corruption about the whole thing; that Members and Ministers were in the swim; that there was a swindle on; and that lists of shares were floating about for Members of Parliament who would assist to get this job carried through." That is the gist of the conversation.

45. In that room? In that room. I have heard it not only there but I have heard the same conversation meeting me and assailing me in tram-cars, 'buses, railway-carriages, and wherever I have travelled, from Members of Parliament, private individuals, and people about town who know what is going on. If you entered into conversation with them you got the same things said by them as were said by the Members of the Opposition at that time. It was a common topic of conversation, and a current story.

46. You say that wherever you went the conversation was to the same tenor and effect as that you heard in the Opposition room;—were any of the charges you heard on the 'buses and tram-cars, or in the Opposition room, or in the precincts of the House, statements made from actual knowledge, or merely rumours? They seemed to me to be persons retailing rumours.

47. That is the opinion you formed from what you heard both in and out of Parliament, that they were simply retailing rumours? Exactly.

48. No facts? No facts; nothing by which you could fix any individual to make him answer for his statement.

49. Mere rumours, which may be true or false? Yes.

50. With the exception of the McCulloch matter and the Huntley matter, of which I will speak presently, did you ever know or hear of anything in or out of Parliament except mere rumours, and nothing upon which you could make any charge against anyone? No.

51. As to the Huntley matter, what was that? I made a statement in the Opposition room, but I suppose you don't want that. I will go to the matter itself.

52. Yes? Some months ago, I think between four and six months ago, certainly not shorter than four months, it may be longer than six months, I met Mr. Huntley in King-street, between the hours of 1 and 2 p.m.

53. What Huntley is that? T. S. Huntley, who used to be a member of the firm of Huntley and Barnard. He was afterwards proprietor or keeper of the "New Brighton Hotel," Lady Robinson's Beach. I do not know what his business is now. The part of King-street I met him in was in front of the Fresh Food and Ice Company's shop, between Pitt and George streets.

54. Do you know Mr. Huntley? I have known him four or five years; I have had an acquaintance with Mr. Huntley from matters of business, in which he was engaged as an auctioneer. I have never had actually any business transactions with him. I knew him when he was an alderman of the borough of Rockdale—that is a neighbouring borough to where I live; and as he took an interest in public matters, and was a constituent of mine, he very often came into contact with me. I have always known him, so far as my observation goes, as a straightforward, honest, and, at the same time, shrewd and capable business man.

55. You met him in front of the Fresh Food and Ice Company four or five months ago? He opened conversation in a casual way, and in a few minutes the conversation turned on the tramways. He asked me how I felt on the question of the tramways. I said I did not know what he meant. I did not understand his question. He then explained that he wished to know how I viewed the assumed intention of the Government to hand over the tramways to a Melbourne syndicate. Mr. McElhone had given colour to charges of that description by statements he made in the House; and Mr. Huntley assumed that this expressed an intention on the part of the Government to hand the tramways over to a Melbourne syndicate. I stated that I did not believe that at all. I did not like the idea of any underhand business of that description. He asked me then if I would be in favour of any resolution or any movement to compel the Government, if they did lease these tramways, or if they dealt with them at all, to allow them to be submitted to open competition without any underhand work giving a preference to a Melbourne crowd or any other crowd, so that the Sydney people, as he expressed it, would have the same show of buying these trams as the Melbourne people. I told him that if the tramways were to be leased I thought the only course would be to submit them to open competition, in the same way as any other public or private property would be. He stated that that was all that he wanted, that all he wanted was fair play, a fair field, and no favour. Up to this point I had been rather in the dark as to the tenor of Mr. Huntley's conversation, as to what was his object in entering into this conversation, and he then said that he might as well explain that he had been engaged since he left the hotel—that was the "New Brighton Hotel"—in forming companies, of any description at all—any large companies, and that lately he had engaged himself in forming a company to be prepared to take over the tramways; that they were all Sydney men, men of large means, of good position, and of high standing; that they could put down, I think he said, up to £2,000,000 to purchase these tramways, under any conditions that the Government within reason might impose upon them; and that they were prepared to conduct the tramway system, if they should succeed in getting it, upon the most approved principle known to the world. He mentioned

J. H.
Carruthers,
M.P.
4 Jan., 1889.

mentioned some names to me to show me the high standing of the company he had formed. He mentioned one name, Mr. C. F. Stokes. The other names he mentioned I do not remember, but I presume that they were same names that have since been given in the Parliamentary Reports. He also stated that there were no shares available in this company—that they were all applied for or allotted; that they had no Members of Parliament in it, and that therefore they could not offer shares to any Member of Parliament—but that they had determined to allow no Member of Parliament to take shares in the company. They thought it would be better to keep it above suspicion and above reproach in every way; but that in order that Members and other public officers who might by their position be precluded from holding shares in the company before the event might not be unfairly treated, they were going to make a provision to reserve a certain number of shares. I think the way he spoke of it was, "According to our capital, 50,000 or so many shares, to be allotted at par to the Members of Parliament who might choose to apply for them—providing," he said, "providing always that we happen to be the lucky tenderers." I listened to this. I do not know that I interjected anything at the time that it was going on; but as soon as the remark was made, I stated to Huntley that I thought he was making a very great mistake; that I did not think that Members of Parliament wanted any shares, or wanted any interest in a company of that sort; that it would be looked upon as a kind of incentive to them to support the proposal, and I did not think that they wanted any such incentive. Speaking for myself, I said if I were in favour of the leasing of the tramways, and I believed, from what I know of most of the Members of the House that they are of the same disposition, if they had an opinion in favour of the leasing of the tramways, they would carry out that opinion without any offer of this description, and all the more readily without any knowledge that such a thing would be hung up for them. I said, "I think you are making a mistake Mr. Huntley, in connecting such a proposal with any *bona fide* venture such as yours, and if you take my advice you will drop the matter, and say no more about it to any one." I would not pursue it any further; it will do you more harm than good. I then turned the conversation to some other subject and left him.

56. What number of shares did Mr. Huntley speak of as being reserved? I think he said 50,000 or so, according to the capital.

57. And did he say upon what terms these public gentlemen could go in and take these shares? At par. I think when he mentioned that he explained at any rate, if he did not explain it then, I have the idea in my head that I understood it at the time, that shares were to be given to Members of Parliament or anyone else then shut out at par after the event, and that probably the shares would be at a premium to the general public, and the difference between the price at par and the premium at which they were selling in the open market would be a very fair advantage to those who had got them at par. I do not know whether he explained that to me, or whether I gathered that at the time from the knowledge that I possess of commercial dealings.

58. Did you understand from Mr. Huntley in any way that those reserved shares were to be a bribe to Members of Parliament? No; I looked on the matter as on the borderland—that it was capable of being looked at in two ways.

59. What I want to know is, so far as you could gather, what was Huntley's intention; was it that these shares were to be reserved for public men who could not come into competition before they got the lease, or was it to be a bribe to them to secure the lease for the company? My strong and clear impression at the time was that there was no attempt whatever to offer a bribe. That was my clear impression at the time.

60. That is the impression you gathered from what Mr. H. Huntley said? Exactly.

61. *Mr. Knox.*] Yet you said that at the same time you assumed that the shares would go at a premium, and that Members of Parliament would thus be well rewarded for their services in passing the resolutions? I assumed that giving the shares at par when they were selling at a profit was a considerable advantage; but I gathered from what he stated that there was to be nothing of the kind done beforehand, that these shares were to be given afterwards at par to those who chose to apply for them, and that they were to be allotted by the directors. If there were 100 or 500 applications they were to be allotted equally.

62. *President.*] Had you any reason to believe that the same approach was made to other Members of Parliament besides yourself—that Huntley spoke to other Members of Parliament in the same terms? I do not know anything of that.

63. You do not know of your own knowledge that it was done? No, I do not. You see it is very hard to shake out of your mind all the changes that come over it from hearing the different aspects put afterwards. I have only spoken now in answer to what the President has stated about my impression at the time. My impression at the time was that Huntley had no idea whatever of holding out a bribe to me, or to any other Member of Parliament.

64. But as a matter of fact, apart from what Mr. Huntley's intentions may have been, if this had become generally known it would have been a very strong incentive to the House to accept the proposal to lease the trams? I have looked at it since, and I have seen that it is capable of two constructions. I did not put the bad construction on it.

65. But if that were circulated amongst Members of Parliament it would be, quite apart from the high moral character of Members of Parliament, a strong incentive? I think it would be the other way. I know the effect it had on me, and I think it would be the same with a great many others. Sooner than have a shadow of that kind cast over their votes they would sacrifice the broad principle.

66. At any rate you will admit that, assuming that your anticipations were realised, that these things would go to a premium at once, that any public men or Members of Parliament participating in these reserved shares would at once obtain a large pecuniary advantage? Yes.

67. Was that all that took place between you and Huntley on that occasion? That is all that I can remember. I may have stated more to the House, more details; but that is the gist of what took place from start to finish, and I think it is accurate in details as to the more vital portions of the conversation. It only lasted about 10 minutes.

68. What syndicate was Mr. Huntley connected with? I did not know at that time, except that he mentioned one with the name of Mr. C. F. Stokes in it; but I have learned since, mainly from the debates in the House.

69. Is that of Burns, Phillips? No. The syndicate is mentioned in the House.

70. Is it the New South Wales Tramway Company? I think that you will see it mentioned. He is secretary to that company.

J. H.
Carruthers,
M.P.

4 Jan., 1889.

71. Can you tell me whether these are the syndicate?—

The shares are distributed amongst Messrs. C. F. Stokes, of the firm of R. Towns & Co., James Burns, of Burns, Philips & Co., Malcolm, Donald McEachern, M. C. Cowlishaw, and John Arthur, each of whom holds 100,000; James B. Nicholson, 50,000; H. R. Smith, 40,000; David Wilson, 30,000; R. B. Wallace, of Newcastle, 25,000; A. Hoffnung 25,000; T. Saywell, and J. W. Cliff, 20,000 each.

I have had my memory refreshed since by these debates; but as far as it serves me with reference to this conversation Stokes' name alone was mentioned.

72. Can you tell me now? Seeing these names here?

73. Yes? I think he mentioned Saywell's name. He mentioned Stokes, Saywell, Cowlishaw, and Paling. Those are all the names I remember now, though he mentioned more than these.

74. Wallace of Newcastle? No, I do not remember.

75. Hoffnung? I do not recollect his name.

76. Cliff? Do you know whether this was the New South Wales Tramway Company? I believe that is so.

77. You mentioned a matter of M'Culloch's; what was that—what M'Culloch is that? Mr. A. H. M'Culloch, junior, formerly Member for Central Cumberland.

78. What was the nature of that matter? Between five and six weeks ago we were walking down from Macquarie-street, towards the tramway at Hunter-street, and I was about to leave him there. Just as I was going—I suppose the fact of the trams running past called it to his mind—he said, "I say, have you heard anything about this swindle with the tramways?" I said, "No." "Well," he said, "I am told that there is a great swindle on, and that some companies are formed, at least one company is formed, and there is a list of members for whom shares are reserved." "Well," I said, "that is a very rough thing; I can see that that may be correct. On the other hand it may be some rascally move to injure people. What is to prevent some disreputable ragamuffin in getting up a company and putting down the names of respectable men without their knowledge?" I said, "Do you know anything about it?" He said, "I do not know much about it, but I know sufficient to show me that there is some truth in it—a great deal of truth in it." I said, "I should be very suspicious about anything of that character. A move of that kind might be made simply with a view to the injuring of some very respectable men." He said, "Oh, well, I do not know anything about that; I do not think there is anything of that sort in it." "But," he said, "I believe there is a list actually made out, with the names of Members of Parliament down for so many shares." I said, "Do you know anything that could fix that and actually prove what you are saying?" "Well," he said, "I could not go that far; I have only got good reason to believe it, but I have no absolute proof of it." "Well," I said, "I will tell you something I know that may show you whether there is any truth in what you are speaking of, or whether this is some idle thing to bolster up a wild story." I said, "Some time ago a gentleman told me that he was about to form, or was forming, a syndicate to tender for the trams; that he had got the syndicate full; that a company was formed; that they had no Members of Parliament in it; but that they were thinking of reserving a certain number of shares for Members of Parliament, to be given to them after the whole thing was over, at par." I said, "That man was Huntley." He said, "Very probably that is the man that is responsible for what I have heard;" and he said, "If so, if Huntley is at the bottom of this, I would not pay much attention to it at all." I said, "Do you not believe much of what Huntley says?" "Well," he said, shrugging his shoulders, "I do not think there is much importance to be attached to anything he is connected with." That is all that took place between us. I might mention that from the time I had the conversation with Huntley, up to the time of the debate in the Assembly, I never spoke to him. I saw him once, passing through the street, but I never saw him again to have any conversation with him; and I never discussed the subject with another human soul until I spoke to Mr. M'Culloch, and it seemed then to dawn upon my memory as something I had heard once and forgotten, and which had lain, as it were, slumbering in my mind. This conversation never occurred to me until M'Culloch's specific statement recalled it to my mind, and that, I think, was something between three and four months afterwards.

79. Apart from the statement made to you by Mr. Huntley—there seems to be nothing in what M'Culloch says—do you know of any offer, in any shape or form, by anyone to influence Members' votes in connection with the tramway business? Not the slightest; I have no knowledge whatever of any such thing.

80. By any one? By any one.

81. And you can give us no further information? No; I have no further information on the subject.

82. Do you know of anything to justify the rumours that you say were current in and out of the House? No; I do not think I do know of anything to justify them in the slightest degree. What I have told you regarding Mr. Huntley and Mr. M'Culloch are the only tangible things that I have heard of all through, and I do not think that those things would at all justify the rumours that were being cast about throughout the community.

83. Have you got the letter from Mr. Huntley that you read in the House? I have not got the original here; I have it in the office. The letter published in *Hansard* is an exact copy of the original. I sent it up to Mr. Robinson, of the *Hansard* staff, and he inserted it in *Hansard*. I will send the letter up to the Secretary of the Commission.

John Haynes, M.P., called in, sworn, and examined:—

J. Haynes,
M.P.

4 Jan., 1889.

84. President.] I believe you are a member of the Legislative Assembly? Yes.

85. Member for Mudgee? Yes; one of the members.

86. How long have you been a member? Nearly two years.

87. You took part in the debate in the Assembly on the 12th, 13th, 14th, and 18th December last? Yes, I think so; the first debate.

88. In your speech you say, as reported at page 1288 of *Hansard*:—

I have waited several hours to address the House, and if the debate had continued until daybreak I should have remained here to make the speech which I am about to make. Those who have watched the proceedings in this House to-night will see that the charge which I made the other night is proved beyond the shadow of a doubt. The hon. member for Canterbury says that he was met by Mr. Huntley, the person who was brought before the bar the other night. I knew nothing whatever about what had taken place between Mr. Huntley and the hon. member for Canterbury. The hon. member says that four or five months ago Mr. Huntley stated that on the leasing of the tramways being dealt with

with by Parliament, though the shares were fully subscribed, a certain number would be given to Members of Parliament, and that they would be at par. Shares at par go to a premium, and it may mean in reality £1 advance on every share. Why should shares at par be granted to Members of Parliament under any circumstances? Would not anybody say that what I have brought to light is part and parcel of a great job to get at Parliament, and obtain possession of the trams? I will give still further proof.

J. Haynes,
M.P.
4 Jan., 1889.

What did you mean by the words "I will give still further proof"? It is badly reported in that part. I had no further evidence to give. I said I would reiterate the statements I had previously made.

99. Do you know personally anything about this Huntley matter Mr. Carruthers spoke of? No; I do not, only what I heard him state in the House.

99. Of your own knowledge? No.

99. Then you say,—

On a certain afternoon when coming to the House I was met in King-street by Mr. Huntley, who informed me of the intention of Parliament to deal with the leasing of the trams, and he said that if I would support the leasing of the trams I should get £1,000 for my assistance and 1,500 paid-up shares when the whole thing was through.

I want to know when this was, what were the surrounding circumstances, what Mr. Huntley said, and everything? It was in the afternoon, about the time Parliament would be assembling. I was going.

99. How long ago? I have not the date exactly, between three and four months ago. I was going to Parliament.

99. Where were you when you met Mr. Huntley? Just at the intersection of Elizabeth-street and King-street. I was coming up Elizabeth-street and had crossed over from Elizabeth-street into King-street going to Parliament, and was opposite the Supreme Court, opposite the corner of the Supreme Court, on the pathway.

99. Which side of King-street were you? Opposite the Supreme Court.

99. Then you met Huntley? I met Huntley there.

99. How long had you known Huntley, if at all, before that? I knew him about two years before that. I knew him as a citizen. There was a firm of Huntley and Barnard, and I knew the two members which constituted the firm, but I could not fix which was Huntley and which was Barnard.

99. Did you know them to speak to? I was a stranger to them to a large extent, but after I was returned to Parliament Mr. Huntley used to salute me.

99. What do you mean by "salute you";—bow to you? Bow to me. Prior to that I did not know them personally; I think I have been in their office once or twice about some business in connection with newspapers.

99. I want you to tell us exactly the kind of terms you were on with Mr. Huntley? I was a stranger to him, undoubtedly a stranger to him; I never associated with him; he had never met me at any place, except at his office, and then I was there only as a reporter; I think I went to report; they had some business transactions with some land, and as a newspaper proprietor I went there to get their support, and got it; then a long interval of two years intervened before I met him; this was the first time I spoke to him.

100. What did he say to you? He met me in King-street; he approached me.

101. When he approached you what did he do? He shook me by the hand. I did not know what was his object. I thought it was out of recognition of something.

102. Had he ever shaken hands with you before? No, not before. I thought it was out of recognition of some work I was doing in Parliament. At that time I was very vigorously employed at one or two things, and had just come from the country with a good deal of success in the decentralisation programme that I had taken up, and one or two other matters, and I had got a good deal of credit, justifiably or not, in the Press, and I thought it was out of recognition of that that he approached me. At any rate he came and shook hands with me, and said that Parliament would be dealing with the leasing of the tramways shortly. I had heard something about it, but very indistinctly, and I said, "Is that so?" and he said "Yes, it would come on shortly," and he implied that it would be all right, and said he hoped I would give it my support, and that for my support and assistance and general advocacy for his syndicate I would have 1,000 sovereigns and 1,500 paid-up £1 shares. He then entered into a brief statement with regard to the shares, to the effect that application was to be made for these shares. Whether he stated it or not it was understood at any rate that it was to be a fictitious application, and that I would get a receipt as if I had paid the money.

103. *Mr. Knox.*] Meaning to imply, I suppose, that the shares would be issued to you at par, but that somebody else would pay for them? I was to pay no money for them; they were reserved. He said that shares would be available. I understood distinctly that they would be reserved. I do not know whether he said anything distinctly, but the impression on my mind was that I was not to be the only person dealing with the matter in that way, and of course that the money was to be available after the thing had been handed over.

104. *President.*] What were you to do for that? I was to support it and advocate it.

105. Support what? The leasing of the trams to this syndicate.

106. To which syndicate? To the syndicate, I presume, he represented. I did not know what syndicate was formed, or whether any syndicate was formed, and in point of fact from that day up to the day of the opening of the tenders, whenever I saw Mr. Huntley I avoided him; without offending him I passed him quickly, as I did not want to draw him into going further into that matter, and partly from the fact that I thought the thing had been dropped by him, because I never saw him in connection with anybody afterwards, nor did I hear a word from him, and I knew nothing whatever of his identity with the tram leasing project until the morning I came down here to the Government offices, accidentally, on business, and saw him with several persons in the vicinity of the Works Department.

107. Did I understand you to say that you were to get 1,500 paid-up shares? Yes.

108. And the application was to be a fictitious one, and they were to give you a receipt in full as if you had paid the money? Yes.

109. While in fact you were to pay no money? I was to pay no money, of course not.

110. Did he say anything about any other number of shares for anyone else? I understood that that was a portion of a large amount that was available for that purpose.

111. Did he mention how many? No, he did not. At that time I was strongly opposed to the leasing of the trams.

112. See if you can remember if he told you of any other number of shares to be used for any purpose? No, he did not. I, of course, inferred from what he stated.

113.

- J. Haynes, M.P. 113. We want to know what he said, if you can remember? No, that offer was confined to me. There was no mention of any reserve of shares to others.
- 4 Jan., 1889. 114. Do you remember anything about a number of 50,000 shares? No. I speak, very often unfortunately with a good deal of interruption in Parliament, and I see in Hansard a reporters' error. It says here, "I will give still further proof." I said, "I will repeat my statement; I will give further proof." And then further down the report says, "Mr. O'Mara: That being true, means the whole House. Mr. Haynes: And that 50,000 shares would be available for Members of Parliament," and I pointed simultaneously to Mr. Carruthers who was alongside.
115. Then that statement which appears in *Hansard*, about 50,000 shares at par being available for Members of Parliament, referred to what Mr. Carruthers had stated, and not to what Mr. Huntley told you? Entirely. Mr. Huntley never mentioned anything of the kind. Then again the report says, "Do hon. Members need any further proof of the statement which I made?" That has reference to my quoting Mr. Carruthers' statement about the 50,000 shares. Immediately after this offer was made to me I repeated to three private friends what had actually taken place, but in each case I could not give the man's name.
116. Did you mention that conversation to any people? Yes, I did.
117. Who were they? I mentioned it to Mr. Alfred Bennett, of the *Evening News* and *Town and Country Journal*, next day, and to Mr. Archibald, of the *Bulletin*, and to Mr. Courteney, one of the editors of the *Telegraph*.
118. On what date did you mention it to Mr. Archibald and to Mr. Courtenay? Within a few days afterwards.
119. Did Mr. Huntley tell you what syndicate he belonged to? No.
120. Do you know what syndicate he belonged to? No, I do not know exactly the syndicate, unless it was stated in the *Telegraph*.
121. It appeared afterwards in the debate? I do not think so, as far as I know. I think there was some statement of names in the *Telegraph*, but that is the first that I saw of it.
122. It is in the debate here too; it is the New South Wales Tramway Company? That was the same time as the *Telegraph*, I expect. I have no idea of the syndicate. If it was mentioned in Parliament I no doubt heard it, but I have no personal information as to any syndicate. In point of fact I did not know whether he had any authority, or what he was at the time.
123. When he made this statement to you did you know, or had you any idea as to when the debate was coming on—when the Government intended to submit the proposals? Yes; I knew the debate would come on some time.
124. Yes, but about how long first? Any time that would be convenient.
125. You mean that it was a thing that might come on at short notice? Yes, any time.
126. What I understand from you is that at the time of the conversation with Huntley you understood that this tramway debate would shortly come on? Yes; at that time I was opposed to the idea of leasing the trams, and I was opposed to the idea until nearly a week before the proposals did come on; but there were preceding debates on the management of the railways, when one or two Members, closely identified with the railway suburbs, made speeches with regard to the employees there which seemed to me to be a forecast of trouble with regard to the Civil Service, and, turning the whole thing over in my mind, I came to the conclusion that it was expedient to lease the trams on good terms, and I voted for the Government proposal for the leasing of the trams, and I intended when the Government came to deal with the leasing of the trams to lay this fact of the offer before Parliament.
127. When this offer was made to you what did you say to it? I said I would see into the matter. I did not either encourage him or discourage him.
128. Was it understood in any way that he was to see you again, or anything of that sort? I think we were to be seen again; I am not quite certain.
129. Just think for a moment whether the impression left on your mind was that he was to see you again before the debate came on? I think we were to be seen again.
130. Who was to be seen again? I was to be seen again. I think that was the impression. It appeared to me that the discussion at that time was that the principle of the leasing of the tramways, and the leasing to certain particular people, was to be one item.
131. As I understand then, at the time of that conversation you did not know what syndicate he represented? I did not.
132. And you do not know now? I do not know now absolutely. I saw certain names. That was the first time I saw them.
133. What I want to know is this: If it was understood that you were to advocate the leasing to some particular syndicate, how were you to support that unless you knew what syndicate you were to advocate? I presumed that there was only one party interested in the dealing with the leasing of the trams, and that party was represented by Mr. Huntley. I regarded Mr. Huntley always as a man of capital. I have heard otherwise, and I do not know now whether I am right or wrong.
134. I understood you to say that you understood that the parties who were to accept the lease were really all one? Yes.
135. And that there was no competition for it? No competition for it. I understood that they were all concerned in it.
136. How long did the conversation last? About five or six minutes, not much more. It was in a busy time of the day.
137. Was anything said by Huntley with reference to other Members? No; I do not think so. No.
138. As to whether or not he had made similar overtures to other Members? Whether he said anything or whether the conversation led me to believe it, I concluded that I was one of a number to whom these overtures were made. Yes; that there was to be an expenditure of money for this purpose.
139. By this syndicate? By this syndicate and of shares; that was the distinct impression on my mind.
140. Was it from anything Huntley said that you drew that conclusion? Well; I fancy with regard to the shares it was, because he said that an application would be made for shares, and that they would be given to me as if I had paid up.
141. But that referred to yourself only? It referred to myself; but the impression on my mind was that I was to be one of a number.

142. Was it from what Huntley said that you received that impression? I fancy so; I cannot exactly recall the words, but I fancy so; and I distinctly understood with regard to the coin that that would be part of a fund available for the purpose. He mentioned the name of no Member of Parliament; nor did he mention any amount of shares as being reserved.

J. Haynes,
M.P.
4 Jan., 1889.

143. *Mr. Knox.*] And he did not approach you again? He did not. In reality I was new to public life at that time, and I was a bit thrown off by the largeness of the offer, and I really avoided him wherever I met him. I met him very seldom, and I must say that I did not see that he wished to approach me; but I kept out of his way, and whenever I met him I passed him hurriedly. I cannot say that Huntley ever attempted to approach me since.

144. *President.*] With the exception of that one matter, are you aware of any other attempts made by any person to interfere with any Member of Parliament on this question. I do not mean suspicions or rumours? No, I am not. I have heard rumours about newspaper people and that kind of thing being approached, but not of Members of Parliament.

145. You mean to get newspapers to write it up, I suppose? Yes.

146. But you are not aware, apart from the matter you have spoken of, of any attempt on the part of anyone to interfere with any Member of Parliament? No, I am not.

147. And you can give us no further information? I can give you no further information.

148. The conversation with Mr. Huntley took place during the present Session of Parliament? Yes; I think it was a little over three months ago.

Robert Henry Levien, M.P., called in, sworn, and examined:—

149. *President.*] You are a Member of Parliament representing the Electorate of Tamworth, I believe? R. H. Levien, M.P. Yes.

150. And you have been a Member of Parliament for some years? Yes; for eight years.

151. I believe you took part in the debates in Parliament on the question of the leasing of the tramways on the 12th, 13th, 14th, and 18th December last? Yes.

4 Jan., 1889.

152. On the 13th December you made a speech in which you spoke as follows:—

When the tenders for the leasing of the trams were called for, something arose. I was in the city of Melbourne, and I heard that the time for receiving the tenders would close on the 15th November. I had not been long in Melbourne before I was introduced to a gentleman, and I intend to mention names, because the gentleman to whom I was introduced was once, I believe, a Member of the Legislature of Victoria, and in conjunction with a gentleman and these syndicates that were endeavouring to work what I will describe by no other term than that of a swindle upon the country. I use the names of two Ministers whose names were mentioned in reference to this matter. I am not going to make this statement recklessly, nor without being able to support my bare statement, and I am looking at the Minister of Public Instruction, and I use his name; and I am looking at the Minister of Justice, and I use his name; and though the honorable Member for the Murrumbidgee has been charged with cowardice, I will say this, that he is no coward; he is as honest, as upright, and as just as the honorable gentleman who dared to accuse him last night of cowardice. But when I was in Melbourne I was spoken to with reference to these tenders, and I was asked what my opinion was. I said, "I am in favour of the Government holding the tramways and not leasing them," because I believed there was some swindle abroad. I met the honorable Member for Grenfell, Mr. Vaughn, and I think he will corroborate every word I say. I had not been long introduced to a gentleman, whose card I will hand to the Colonial Secretary, because I will keep nothing back.—

Mr. MC ELHONEY: Don't part with it.

Mr. LEVIEEN: This was a gentleman who thought no doubt to use me, because, I suppose, he thought I was fit for the action. But he mistook his man. I told the House that I was against leasing the tramways; but I am going to make a statement clearly and definitely, so that this House and the country will know that in my public position, as a representative of the people, I am not lying, but can corroborate every word I say. I was introduced to a gentleman of the name of Mr. Robert Bowman, 26, King-street, Melbourne. He was a Member of the Legislature of Victoria, and a wine and spirit merchant. He said to me, "I would like to see you to-morrow; I have something I should like to say to you. I wish you would come and speak to me." He did not mention the matter about which he wished to speak; but I thought it was something in connection with racing matters, he being of a sporting turn of mind. I said, "I will meet you." The next day I met this gentleman, I think, in Collins-street. He said, "What I wanted to speak to you about was with reference to the leasing of the tramways in New South Wales. I am working up a syndicate, and I have got a good deal to do with it. You are a Member of the Legislature of New South Wales, and if you will assist us you will have a good chance of being solicitor. It may be very amusing, but nevertheless it is true. We have been told that all the things that have been said in reference to Members were untrue; but I am one of those who believe there is a great deal of truth in it." I said, "I don't want the solicitorship of this business. That is not my game." He then said, "I believe there is in New South Wales a gentleman named Pritchard who attends to things of this sort. Do you think we could get him in?" He also said, "We have the Minister of Justice and the Minister of Public Instruction." I believe it my duty to mention the matter to the House, and if I were ungenerous enough to make these charges merely to injure those two honorable Members, I should be condemned by every honest man. I noticed that the leader of the Opposition said last night that there would be a certain number of shares for Members of Parliament; and Mr. Bowman said to me in Melbourne, "We intend to reserve a good many shares for Members of Parliament; but it is the Opposition that we fear. We know that the Government supporters are all right." If these statements are untrue, they are a gross libel. The matter rests between Mr. Bowman and the two Members to whom I have referred. I ask the Premier now to tell those honorable Members in their own interests, and for the sake of the Government, to go and clear their characters in the eyes of the country. The whole case will rest upon the evidence of Mr. Bowman and myself. I have here a card of Mr. Bowman's with his own handwriting on it, and in the course of the conversation to which I have referred, he gave me the card. Mr. Bowman told me that he would telegraph to Mr. Pritchard, and ask him to meet me at Redfern Railway Station; so that I could ask him whether he would join the syndicate. If the telegram was sent, I have no doubt that the two Members of the Government to whom I have referred, will be materially assisted in dealing with the matter.

When was it that you were in Melbourne? It was during the Melbourne Cup meeting—I think the first week in November.

153. Did you ever know this Mr. Bowman before? No; I had never seen him before.

154. Who introduced you to him? I forgot now. I was introduced to him at the Mentone races. That was the first time I ever saw him.

155. You do not remember who introduced you;—did you meet him at lunch, or how was it? I think somebody introduced me to him in the saddling paddock.

156. Have you got the card he gave you? I left it in my safe at the office.

157. Could you send it to us? Certainly.

158. Was there any writing on it? Yes; the name was in print, but the address "63, King-street, Melbourne," was in the handwriting of Mr. Bowman.

159. How came he to give you that card? He did not give me the card then.

R. H. Levien, 160. When did he give it to you? He gave me the card when he met me in Collins-street about two days afterwards.

4 Jan., 1889. 161. I understand, then, that you were introduced to him at the Mentone races, and that two days afterwards you met him in Collins-street, Melbourne? Yes.

162. And what was it he said to you then? He said, "You are a member of the New South Wales Parliament, are you not?" I said, "Yes." He said, "Have you heard about the leasing of the tramways?" I said, "No." He said, "They close on the 15th of the month." I said, "Do they?" I said, "It is a very strange thing their closing very quickly, not giving time for other tenders to come in." He said, "I am working in the interests of a syndicate I am trying to get up in Melbourne, and I will get you the solicitorship of it." He said, "I believe you are a solicitor?" I said, "Yes; but," I said, "I do not care for that kind of business—I do not do that kind of business." He said, "But it would be a good thing for you. Do you know anybody who would like to come in and join in the syndicate?" I said, "No, I do not, excepting one person who may join you, and that is Mr. Pritchard, a contractor, in New South Wales." I said, "He was over here the other day; I was speaking to him in Melbourne; and he was here about some tram business of his own." I said, "I think he is the only person who would be likely to go into a matter of this kind." He said, "Do you think you could get him to stand in with us?" I said, "I do not know; he is living in New South Wales, but he was in Victoria the other day." He said, "Do you know his address in Victoria?" I said, "I do not." He said, "Where could I find him in New South Wales?" I said, "Pritchard, contractor, Sydney, I dare say will find him." He said, "If you are going over would you ask him whether he would stand in with us, and I would send him a telegram and ask him to meet you." I said, "Well, you may; I will tell him that you would like him to join in the syndicate." He said, "It will be all right—it will be a good thing." He said, "Two of the Ministers—Mr. Inglis and Mr. Clarke—were to have a large interest in it, and he said, it will be all right as far as they were concerned. They will see to the Government supporters; but he said, you are amongst the Opposition." He said, "It is the Opposition we are afraid of; we would like their support, because I hear there may be some contention about the matter." So he said, "We are reserving a number of shares for Members of Parliament." I said, "I do not care to have anything to do with this kind of thing, but so far as asking Mr. Pritchard is concerned I shall do so. I further stated, I do not think it the correct thing for the Government to close the tenders so quickly." That was the first time I had heard that tenders were to be closed on that day, or that I had heard much about them at all. He was the first who told me.

163. Is that all that took place? That is the principal part. He said he thought it would be a good spec., and that no doubt the matter would be carried to a successful issue. I think he mentioned that there was another syndicate with which however he had nothing to do.

164. Didn't he give you his card on that occasion? Yes.

165. How was it he came to give you his card? He was talking of telegraphing to New South Wales to find out where Pritchard was, and I said "I am going home in a day or two," and he said "Well, I will ask Pritchard to meet you, and you can tell him who I am, and that I am working up this syndicate, and ask him whether he will stand in with us," and I said "I will have no objection to tell Pritchard that."

166. Who said "I will ask Pritchard to meet you"? Bowman, and he gave me the card, and he said, "This is my card, and you can tell Pritchard, and he can reply to me."

167. Then it was for the purpose of giving Pritchard the address that he gave you the card? Yes.

168. Who was it mentioned Pritchard's name first? I mentioned Pritchard's name first.

169. What Mr. Pritchard was it? He is a contractor. I think he had a contract in connection with the Bondi sewer.

170. It is not the auctioneer? Oh, no; not that Mr. Pritchard.

171. You think he was one of the Bondi sewer contractors? Yes; I knew Pritchard myself, and I knew he had something to do with an electric tram, and that is how I came to mention his name. He went over to Melbourne, and was trying to sell his electric tram patent.

172. How would he be mixed up in syndicates? I believe Mr. Bowman asked me if I knew anyone who would join in his syndicate, and I said, "The only person I know who has anything to do with trams is Mr. Pritchard," thinking Mr. Pritchard was more likely than anyone else.

173. I gather that this Mr. Bowman did not know Mr. Pritchard at all until you mentioned him? No.

174. Did not even know his name? No; I do not know that he has seen him now.

175. At that time as far as you could gather he did not even know his name or even know of his existence until you mentioned him? No; I am certain he did not because he kept asking where he could find him.

176. Did Mr. Bowman make any appointment with you to meet him? Yes. He asked me if I would meet him in Collins-street, naming a certain place, which at this moment I forgot. I was to meet him at a certain hour near the corner. I was a few minutes late, and I saw him going into an hotel close by, and I followed him in, and then he came out and spoke to me.

177. Do you know what syndicate he belonged to? No, I do not, neither did he mention it.

178. Do you know now? No.

179. When he said there were a certain number of shares reserved for Members of Parliament what did you understand by that? I thought that that was the inducement that if he could see any Members of Parliament he would tell them that this matter could be worked up. Of course they were to have this interest for supporting the leasing of the tramways. That was to be an inducement to them to support the proposal, and they could come in and buy these shares.

180. Who could come in? The Members of Parliament who supported the leasing of the trams.

181. And buy the shares? I do not suppose it was intended to give them.

182. I do not want to know what were your suspicions, but I want you to tell be any impression you gathered from what Mr. Bowman said? Well, I gathered from what he said the impression that he intended this as an inducement for Members of Parliament to vote for them—that they were intended to be approached liberally with these shares under certain conditions.

183. To Members of Parliament? To Members of Parliament.

184. Did he say upon what terms Members of Parliament were to have them? No, he did not.

185. Did you gather that they were to have them on liberal terms? Yes; because I told him I would have nothing to do with the matter, and immediately afterwards I repeated the conversation I had had with

with

with him to Mr. Alexander Bowman, the Member for The Hawkesbury, and to Mr. Vaughn. I told them R. H. Levien,
that I suspected that there was something wrong about the leasing of the trams from the way this man
spoke to me, and I immediately sent a telegram to Mr. Neild to tell him I would support his motion. M.P.

4 Jan., 1889.

186. *Mr. Knox.*] Mr. Bowman said nothing further about the connection of Messrs. Inglis and Clarke with
the matter? No, nothing further than that; in fact, I did not know that he knew either Mr. Inglis or Mr.
Clarke until he mentioned their names, because he was a perfect stranger to me. It naturally struck me
at once that he had the Government support in the matter when he said that these two Ministers were to
have an interest in the syndicate he was promoting.

187. *President.*] You did not gather on what terms they got their interest? No, I did not.

188. Apart from that matter of Mr. Bowman's are you aware of any attempt that has been made by any
one to interfere with a Member of Parliament on this question? No, I am not, not in any instance.

189. In any way whatever? No; I have never been spoken to by anybody.

190. And you are not aware of any attempt apart from this one matter? No, I am not.

191. You have heard, of course, of rumours, and you have heard rumours, I suppose, about there being a
great deal of corruption going on and all that kind of thing? Yes.

192. From your own knowledge, are you aware of any justification whatever for any of those rumours,
except so far as what Mr. Bowman told you? Well, that is a difficult question to answer—excepting
merely worldly suspicions.

193. I do not mean suspicion;—you do not know of anything? I know of no fact that would lead me
to support my idea that it was to be a swindle, excepting from what Mr. Bowman told me, and his using
the names of Mr. Inglis and Mr. Clarke pretty freely in his conversation with me, I took it that they
pretty well understood. I did not know at the time how he knew Mr. Clarke and Mr. Inglis, and I did
not examine him to see what interest they had.

194. What I mean, is, that anybody may have suspicions; rumours are the result of suspicions, but you
know of nothing of your own knowledge except what Mr. Bowman told you? No, nothing whatever.

195. And you are not aware of any attempt, directly or indirectly, to bribe any Member of Parliament
on this question? I am not aware in any one instance.

196. Can you give us any information, or tell us of any names that would be able to throw any light on
this matter? No. I think that you will find from my remarks on both occasions that I never referred
to any other instance except this.

197. In your speech, reported at page 1243 of *Hansard*, speaking of Mr. Bowman you say, "he implicated
both the Minister of Justice and the Minister of Public Instruction." What do you mean by
"implicated"? That they were to have a large interest in this syndicate.

198. That is what you meant by the word "implicated"? Yes, and that of course they were working in
the interests of that syndicate on account of the interest they held.

199. Did you understand that from him too? Of course, that is the inference I drew.

200. What I mean is, did he say anything to justify that inference. If you can remember his words, all
the better; but, if you cannot, can you say whether he used words to give you to understand that these
two gentlemen were working in the interests of a syndicate? I cannot say that he implicated them by
any direct statement absolutely, except that he stated that they were to have a large interest—that they
had a large interest in this syndicate—they would have a large interest in the syndicate if they obtained
the leasing of the trams. My suspicions were only drawn from that and nothing more.

201. From that you inferred that these two Ministers were to use their influence to obtain the lease? Yes.

202. That they were to have a large interest if the syndicate obtained the lease? Yes.

203. *Mr. Lamb.*] Have you heard since whether or not Mr. Bowman's party tendered? I do not know.

MONDAY, 7 JANUARY, 1889.

Present:—

C. E. PILCHER, Esq., Q.C., PRESIDENT.

E. W. KNOX, Esq., | A. LAMB, Esq.

THE PRESIDENT IN THE CHAIR.

Thomas Sellwood Huntley called in, sworn, and examined:—

204. *President.*] What is your present occupation? Land and property agent, and I am the secretary
of the New South Wales Tramway Company. T. S. Huntley.

7 Jan., 1889.

205. What was your occupation before you started the land and property agency? I have been a land
and property agent for many years.

206. How many years? Seven years.

207. Were you always alone or in partnership? I was in partnership with Mr. Barnard two years ago.

208. You dissolved the partnership with him two years ago? Yes.

209. How long have you been connected with the New South Wales Tramway Company. The company
was registered on the 31st May last.

210. How long before had you been connected with the formation of the company? Perhaps three or
four weeks. I could not say exactly—several weeks.

211. Did you take an active part in the formation of the company? I did, I formed it.

212. Were you the originator of it? Yes; I think so, generally.

213. Have you the books and papers connected with that company, to show the list of shareholders?
Yes, everything.

214. Have you the prospectus? We never had a prospectus; but there are the articles of association.

215. Have you the share list? Yes. This is the share register, showing the names of the shareholders,
entered up separately—seventy-three of them.

216. What was the capital of the company? £1,000,000 was the nominal capital.

217. In pound shares? £1 shares.

218. Does that all appear in the articles of association? Yes.

219. And does the disposition of all these shares appear also? It appears in the share register; only a
few signed the articles of association. 220.

T. S.
Huntley.
7 Jan., 1889.

220. How many shares do the signatures to the articles of association represent? 777,000.
 221. And how many have been applied for and allotted up to the present time? 977,000.
 222. Leaving a balance of 23,000 unallotted and unapplied for? There were more than a million applied for, but the 23,000 were unallotted. The capital was more than subscribed for, but only 977,000 were allotted.
 223. If the capital was oversubscribed could you tell me how it was that there was a balance left unallotted? It was thought likely that we might amalgamate perhaps with some other syndicate, some other company, and incorporate them with us. It was never so expressed, but that was the fact.
 224. You contemplated amalgamating with some other syndicate? We thought we might amalgamate with some other syndicate, and these shares were not allotted with that object in view.
 225. How would you have utilized these unallotted shares in the event of an amalgamation? Simply sell them at par. We should absorb the other syndicate, take them in, distribute our shares to them at their par value, and so remove one element of competition.
 226. But did you calculate that you could get rid of an opposing syndicate by 23,000 shares? Oh, no. The 223,000 shares not subscribed for at the time the articles of association were signed were reserved, with the view to the possible amalgamation with another syndicate.
 227. I asked you first why the 23,000 shares were not allotted, considering that the capital was oversubscribed? They formed part of the balance left at the time to which the statement I have just made refers. To make the matter quite clear I may explain that 120,000 shares were issued to one party of contractors who were thinking of tendering as a syndicate. We have absorbed them since, and allotted them 120,000 shares.
 228. Who were they? This is the entry in the minute book referring to the transaction: "The Chairman then introduced Messrs. Johnston & Monie to the meeting, and explained that it had been arranged to admit them, with four others, viz., Messrs. Angus, Monie, jun., Monie, sen., Fishburn, and J. W. Ferguson, who would all subscribe for 20,000 shares each, in all 120,000 shares." That disposed of 120,000 of the 223,000 shares that remained at the time the articles of association were registered.
 229. Do I understand that these gentlemen proposed to form another syndicate? They did.
 230. And in order to get rid of that opposing syndicate you got them to join your syndicate, they taking up 120,000 of the 223,000 shares? That is correct. The minute I have just read is dated the 24th October. The other shares had then been allotted to applicants who came in from time to time. We had any number of applications from parties who wished to come in; but the Board, for reasons of their own—the non-suitability of the parties or otherwise—did not allot them all shares. They were not put publicly on the market, and therefore it was a matter of discretion with the Board.
 231. Then, how many of the 223,000 shares were allotted in that way? There are 23,000 left now, and there were 120,000 allotted to the gentlemen I have just named. That makes 143,000. The difference between that number and the 223,000 were allotted from time to time by the Board.
 232. To persons who came in? Yes.
 233. What I want to know is, why were not the 23,000 allotted? It was so recent when these 120,000 were allotted—the 24th October—that there was no want of funds, as I shall show you by our bank book. We were not in want of funds, and the Board simply kept them over, not having any special object in view. My minutes are all here; they can be read right through from beginning to end.
 234. Can you tell me whether the 23,000 were reserved for any reason whatever? No; they were not specially reserved.
 235. Why were they not allotted? I am not able to say why they were not allotted.
 236. You say that the £1,000,000 capital was oversubscribed? Yes. You have got hold of some figures which do not appear to be quite right, because on the first day of allotment we allotted 856,000 shares, so that the balance that then remained was not 223,000, as you seem to think, but the difference between 856,000 and 1,000,000—that is to say, 144,000.
 237. What became of them? 120,000 went to those six gentlemen whom I have named, and the balance of 23,000 have not been allotted or applied for since that allotment took place.
 238. But are there not applications in the office that will cover those 23,000? I could not say that without referring to the books.
 239. I am taking your own language. You say that the capital was oversubscribed? Yes.
 240. Beyond £1,000,000? You must understand that there were no formal forms sent out for applications for shares in this case, as is usual with companies being floated—forms accompanying the prospectus. Persons would come in to the chairman's office (Mr. James Burns), or they would go to Mr. M. C. Cowlishaw, or Mr. Charles Stokes, and say, "I want so many shares in this company." There were just memoranda taken of these informal applications, and when the matter came before the Board the result was the allotment of these 856,000 shares. Since then 120,000 shares have been allotted to the other persons to get rid of the opposing syndicate, and there are 23,000 shares on hand now.
 241. I understood you to say that the capital was oversubscribed? That is correct.
 242. Then why were these 23,000 not allotted? There has been no allotment except of the 120,000 since that. There has been no application for them.
 243. There must have been applications to cover them in the office according to what you say? I say that there were informal applications to Messrs. Burns, Cowlishaw, and Stokes, and perhaps some other members of the Board—there were five of them—and these directors would make a note of the applications, and when the allotment of shares took place they allotted 856,000 shares.
 244. Do you mean to say that there has been no allotment at all since the 120,000 were got rid of? I do; nor has there been any allotment, except the 120,000, since the 7th of June.
 245. Do you know of any reason why the 23,000 were not allotted, because according to your evidence there have been at all events informal applications to cover them? That is correct.
 246. And you do not know of any reason why these 23,000 shares were not allotted? I do not.
 247. Are the matters coming before the Board matters of which you would have cognizance? Yes.
 248. Are you aware of anything at any of the meetings that took place that would explain why the 23,000 were not allotted? No; not a word. Nothing occurs in my minutes, or any conversation about it. The only thing that occurs in the minutes in this resolution—"Resolved, That no director sell any of his shares except to a friend or friends, at par." This happened in consequence of overtures being made through Melbourne brokers to buy these shares at a premium.

T. S.
Huntley.
7 Jan., 1889.

249. When was that? This was on the 7th June. There were overtures to us to sell 300,000 shares at a premium.

250. At what premium? As much as half-a-crown a share, although there was only 2s. a hundred shares paid up. But the Board said this—"If we become parties to anything of this kind we shall bring ourselves into disrepute, because we have nothing to sell. It is a preliminary company, and how can we sell nothing?" Hence they resolved to put this resolution on the book. As a matter of fact they never sold any of their shares excepting to personal friends at par, for which I have received the money, and handed to them 2s. per hundred shares in terms of the articles of association.

251. Then I understand that on the 7th June you had offers to purchase 300,000 of these shares at 2s. 6d. premium? Yes.

252. That is a premium of 2s. 6d. per hundred shares? No, per share.

253. That would be a hundred half-crowns for every hundred shares? Yes.

254. Do you wish to explain anything further with reference to the allotment of the shares? I wish the circumstances to be made perfectly clear. On the 7th June, \$56,000 shares were allotted, and 144,000 shares were reserved for future issue at the discretion of the directors. Of the 144,000, 120,000 were allotted to six gentlemen whose names I have given, leaving a balance of 24,000 still unallotted.

255. I am going to ask you a question with reference to a conversation with Mr. Haynes, and I think it right to tell you that you are not bound to answer it unless you like. I shall also ask you a few questions with reference to a conversation with Mr. Carruthers. But first let me ask—did you at any time have in contemplation the reserving of any number of shares for Members of Parliament or other persons in public positions? There was a thought passing through my mind which formed the subject of conversation with Mr. Carruthers. I cannot say that it was long before it, because I think it must have been simultaneously almost with my seeing him.

256. Do I understand you, then, that that idea did not enter your mind until you had the conversation with Mr. Carruthers? At about that time; not a long time before.

257. Had you, before you saw Mr. Carruthers, communicated that idea to any of the directors? I had not.

258. Or to any one connected with the company? No.

259. Or to any one? No.*

260. And what was the idea that occurred to your mind? It seemed to me to be somewhat unfair to Members of Parliament and others, who were politically prevented from entering into such an undertaking, that they should be shut out altogether from the right to embark upon what I looked upon as very likely to be a profitable enterprise, and I said to Mr. Carruthers, "I have got an idea that it would be perhaps wise or desirable to reserve a certain number of shares to be applied for by Members of Parliament and others after a contract is entered into with my company by the Government—supposing a contract is entered into—that they may apply for them at par."

261. What do you mean by applying for them at par? At their subscribed value.

262. Were they to pay anything for them? Oh, certainly; they were to subscribe for them the same as any other person. There was not the most remote thought of giving anything away.

263. Then your idea was to let them have the advantage of getting them at par, even though they happened to be at a premium? That was the idea, that if the shares did go to a premium they would have the advantage of the premium, and subscribe for the shares at par.

264. When was it that this idea occurred to you? Can you fix the time? It was some time just before the registration of the company.

265. When was the registration of the company? On the 31st May.

266. Can you fix the time of your conversation with Mr. Carruthers? Yes; previous to the formation of the company.

267. Are you quite sure of that? Quite sure.

268. And there is no doubt that the company was registered on the 31st May? None.

269. Can you say about how long before that date the conversation with Mr. Carruthers took place? It may have been a week or ten days.

270. Can you tell me whether at the time this idea occurred to you, and you had the conversation with Mr. Carruthers, you had received those communications from the Melbourne brokers of which you spoke? Oh, no; because the existence of the company was not known until after the registration took place. It was all private; there was no publication in the papers or anything of that kind until after the statement to the effect that the company had been registered.

271. Then at the time of this conversation with Mr. Carruthers you did not know whether or not the shares would go to a premium? No.

272. And you did not know whether or not any persons were prepared to buy them at a premium? No, no knowledge whatever.

273. It was after the registration of the company that the communication came from the Melbourne brokers? Yes, some time afterwards; some time between that and the 7th of June, the day of the first meeting of the Board. If I recollect rightly, the *Daily Telegraph* published a short statement to the effect that the company had been registered and that I was the secretary.

274. Had you any belief, apart from actual knowledge, at the time of the conversation with Mr. Carruthers that the shares would go to a premium? I had nothing to justify the belief, because that would have been impossible. It would have been impossible for us to tell at what price we would become purchasers of the trams, if we did become purchasers. The possibility or otherwise of a premium would greatly depend upon the price we would have to pay. There was only a possible chance of the shares going to a premium; there was nothing to justify the expectation of a speculator.

275. As I understand, this company, like all the others, was formed merely as a syndicate company, to secure the lease of the trams? Yes. We called it the preliminary company to secure the lease.

276. It was a syndicate company to secure the lease? I do not know how the term "syndicate" is to be explained.

277. Well, a company to secure the lease? Yes; lease or purchase. The articles of association set out very distinctly what the objects are—"to lease or purchase these trams and build other trams."

278.

* Mr. Huntley, upon revising his evidence, added:—I may have had a conversation with one or more Members on the subject of the tramways generally, but certainly not for the purpose of corrupting them.

- T. S.
Huntley.
- 7 Jan., 1889.
278. Did this company have in contemplation the carrying on of the tramways in the event of their obtaining the lease? Yes.
279. The same company? Yes.
280. They did not require to have another company formed? No.
- 280 $\frac{1}{2}$. Then in the event of a lease being obtained the shares in the company would at once be the only shares that the public could obtain? Yes.
281. Only assuming that you obtained the lease? That is quite right.
282. Assuming that you obtained the lease, the shares in the company of which you are the secretary, would have been the only shares the public could have obtained? That is right. But I may say that it would have been necessary to issue another million shares. When the company was registered we had no earthly knowledge of the proposals that would be formulated by the Government. When the *Gazette* extraordinary of the 15th October disclosed the Government proposals we saw that it would be necessary to carry out new works, and to alter and carry on the old ones, and that this would require another million of money.
283. In other words that you would have had to increase your capital by £1,000,000? That is right.
284. What was the total amount called up? £977, being £1 per thousand shares.
285. How did you pay the deposit required to accompany the tender? We got a special credit from the bank of £50,000 on the bond of five directors. That appears in my minutes.
286. Of course you would have to pay interest at the bank? That is right.
287. As I understand, whether the capital was increased or whether it was not the only shares the public could obtain would be the shares of this company? That is right.
288. Either original or increased capital shares? That is right.
289. Why was it that you thought that Members of Parliament and gentlemen holding public positions should be protected in the way you have suggested, by allowing them afterwards to come in and take shares at par? I am not able to give any special explanation of that. It was an idea which occurred to me at the time. I thought I would like some Members of Parliament I knew to subscribe for some shares as a paying venture. I believed it to be a possibly paying venture.
290. Do you not see that once that got wind, got known at all, it would, if Members of Parliament were disposed to take that view of it, act as a very direct bribe? I see the possibility of its being so construed, but there was not.
291. I am not speaking of what passed in your mind; but you see now that such a thing might operate as a very strong incentive to persons of a peculiar form of mind to give their votes in a certain way? I do. As against that there is the caution of Mr. Carruthers.
292. I am coming to that. You had a conversation with Mr. Carruthers. Have you told us that conversation? I met him in King-street and told him that I was forming a company to acquire the tramways. I think it began first of all by my saying, "I see that there is some movement on foot by a Melbourne syndicate to acquire the Government tramways. Do you not think if they are to be disposed of, they should be disposed of by public tender, to give other persons an opportunity of tendering? Would you be in favour, if such a proposal were brought forward, of tenders being publicly invited for the sale or lease of the tramways?"
293. That is, to submit them to public competition? Yes. He said, "Certainly; if they are to be disposed of, I should support its being done in that way." I then told him that I was forming a company, in which some of the best commercial men were interested, for the purpose of trying to acquire the tramways, and it was then that I said I had a thought that some shares might be reserved, as I have already described, for persons who were politically prevented from applying at the early stages, who could apply after a contract had been entered into with the Government for the purchase or leasing. He then at once said, "I would not do anything of the kind. Do not do that, old man; I would not do anything of the kind. Evil may be made out of it," and there the matter ended. It never went beyond my lips after that, not even to my Board.
294. Who were your Board at that time? The same as the Board at the present time. They are mentioned in the articles of association—John Arthur Mallon Clarke Cowlishaw, James Burns, Charles Frederick Stokes, and Malcolm Donald M'Eacharn.
295. Now you say that this idea occurred to your mind;—did you ever communicate it to the Board in any way whatever? I did not.
296. Or to anyone connected with the company? No.
297. Do I understand that the view Mr. Carruthers took of it persuaded you that you were wrong? That is so.
298. You admit now that you see the impropriety of it? Yes.
299. Can you tell me whether any shares were kept back in any way at all for Members of Parliament or for other persons in public positions to subscribe for at par or otherwise? Never.
300. In any way whatever? Not in any way whatever. I might add that there is no such person in the company as a shareholder.
301. There is no Member of Parliament and no person in a public position in the company? No; and I am not a shareholder myself, and I never held a share.
302. How long had you known Mr. Carruthers? Five or six years.
303. Had you known him intimately at all? He is a Member for Canterbury, and I am a voter of Canterbury.
304. Had you often been brought into contact with him? Very frequently.
305. Publicly and in business? Publicly and in business.
306. Now there is another conversation with Mr. Haynes? Alleged conversation.
307. The conversation that he has sworn to;—with reference to that I have told you of course that if you like you can decline to answer? What is the object of declining to answer?
308. I cannot tell you;—all I say is that you are entitled to decline, if you like;—of course, if you ask me, I strongly recommend you not to decline? I am not going to decline. It is the last thing I would think of.
309. How long had you known Mr. Haynes? I only knew him as John Haynes, when he was associated with the *Bulletin*.

T. S.
Huntley.
7 Jan., 1889.

310. Had you ever come into contact with him in business? He frequently canvassed me in the office for permission to write squibs and advertisements for land sales to put in the *Bulletin*. That is the only transaction I have had with him.
311. Did you know him at all, personally? Only in that way.
312. I mean when you met him in the street did you shake hands with him? Never in my life.
313. Were you on sufficiently intimate terms to call him by name, or anything of that sort? No. If I addressed him I should call him "Mr. Haynes."
314. How often have you spoken to him in your life? I do not think I have spoken with him for two years, since the dissolution of my firm.
315. Were the conversations then such as you described when he came to you for permission to put squibs in about land sales? Yes.
316. You have heard his account in the House, and you have read the report in *Hansard* of what he says you said to him and he said to you. Now, first of all, did you meet him at all anywhere, at about the time this matter was coming on in Parliament, or contemplated coming on? I did not. I have sat in a tram car with him once; that is the only thing, to my knowledge within the last two years.
317. Were was that? Passing along Elizabeth-street; he happened to be sitting in the same compartment. That is the only time I have been near him.
318. How long ago was that? I believe twelve months ago.
319. What do you say about that alleged interview between you and him at the corner of King and Elizabeth Streets? I say it is absolutely untrue; that there is not a word of truth in it.
320. Did you meet him there? I did not.
321. Did you speak to him at all? No, not this two years. I might have said, "How do you do," in the street some time; but I never had a conversation with him.
322. You mean in passing you may have accosted him? He very likely would have bowed to me.
323. But is it true that you told him that if he used his influence in Parliament in supporting the obtaining of the lease for your company he would have £1,000 and 1,500 paid up shares? No, it is untrue; and I will show the impossibility of its being true, looking at it from an ordinary common-sense point of view. My bank-book and balance-sheet show that we have never had more than £997 to our credit, and the articles of association show that there are no paid-up shares in the company whatever.
324. *Mr. Knox.*] But surely there would be funds available after the lease was obtained. The directors had power to call up all the capital, and thus form paid-up shares? Of course that is possible. Then, as against that, I should say that at no time could I make such an offer without the concurrence of my Board, and the instructions of the Board. This is a public company, and the records of the company are in the books, and open to the inspection of any shareholder. I could not make such an offer without direct sanction and authority, and I say that no conversation took place on such a subject, and that I never had any authority to offer Mr. Haynes or any other person any bribe or consideration in any shape or form.
325. *President.*] If I remember the conversation rightly, Mr. Haynes said that if he used his influence in getting the lease 1,000 sovereigns and 1,500 paid-up shares would be given to him? Yes, he said so.
326. You hand in a statement of accounts, showing that at no time had the company £1,000, and at any rate, under the existing state of things, they could never have had more than that shown in the balance-sheet? That is right—except the £50,000 deposit.
327. That is money borrowed from the bank, not your money at all? Money borrowed.
328. I understand you to say, in addition, that the articles of association show that in fact there are no paid-up shares? That is right.
329. If they were given away as paid-up shares, somebody else would have to pay the money? That is right.
330. *Mr. Knox.*] Do I understand you to say that, in addition to the instructions of the Board, you never received instructions direct or indirect from anyone of the shareholders or directors to use any portion of his shares or the proceeds of them to induce members of Parliament to vote for the transferring of these tramways? That is what I do say, that I had no instructions or authority from anyone at any time.
331. *President.*] To use any portion of the shares or of their shares in any way for the purpose of the furtherance of the company? No; I have not.
332. Of the £977, the only money the company ever had, I see that there was expended £355 1s. 7d. for the purposes of the company? Yes.
333. Leaving a credit balance of £621 18s. 5d.? That is right.
334. The money expended for the purpose of the company was, I see, for incidental expenses in connection with the formation of the company? That is right.
335. Legal expenses, books, papers, and so on—ordinary incidental expenses? Yes. That statement was prepared for a general meeting on Friday next, and I only got it accidentally, not knowing that I was to be summoned here.
336. I want you to be quite clear about this; I suppose you have thought the matter over. I want an absolute positive statement, if you can make it, as to whether or not you met Mr. Haynes and had any conversation with him within the last three or four months at the corner of King and Elizabeth streets, or any other place about the trams? I have not.
337. I will read you this passage from a speech by Mr. Haynes:—
 He told me that the leasing of the trams would be brought before the House shortly, and he said that if I supported the matter, and saw it go through, his syndicate would stand me 1,000 sovereigns, and give me a receipt showing that I had subscribed fully for 1,500 shares in the syndicate for leasing the trams.
338. Is that true or not? It is not true.
339. Have you any doubt in the world about it? Not the slightest doubt.
340. Is there any word of truth in it? Not a word.
341. Any semblance of truth? No, there could not be—I never met him.
342. Is it possible that you could have had any conversation of any kind with Mr. Haynes within the last three or four months? No. I am clear that I have not spoken to him for two years.
343. Are you quite certain that you never spoke to him about the trams? Quite certain.

The Hon. William Clarke, M.P., called in, sworn, and examined:—

- Hon. Wm.
Clarke, M.P.
- 7 Jan., 1889.
344. President.] You, I believe, are the Minister for Justice in the present Administration? Yes.
345. And you are a member of the Government who introduced the resolutions with reference to the leasing of the trams? Yes.
346. Which was debated last month, and upon which the House divided? Yes.
347. Do you know Mr. Bowman, of Melbourne? I do.
348. What is he? He was a traveller at the time I knew him for a tea firm, a mercantile firm.
349. What tea firm was that? I think he was travelling for Henty and Company.
350. How many years ago was that? About fifteen.
351. Have you seen Mr. Bowman at all lately? I saw him, I think, about the month of October last in Sydney.
352. Where did you see him? At the Treasury.
353. What conversation had you with him there? I was surprised to see him in the Treasury, talking with Mr. Eagar, and I simply said, "Halloo, Bowman, what are you doing here?"
354. You remembered him? Oh, yes, I remembered him. He was a Member of Parliament in Victoria, and I knew him more prominently in that position.
355. What took place then? He simply said words to this effect—I would not say positively that they were the exact words—but the gist of it was that he was going to make some inquiry about the trams, or that he was going to tender for the trams. That is all that passed.
356. Nothing else? Nothing else.
357. Did you see him again at any other time? No.
358. Had you any connection in any shape or form with any syndicate that was formed in Melbourne, or Sydney, or anywhere with a view to leasing these trams? Never, directly or indirectly.
359. Or had you seen anyone, or promised your influence in any shape or form, towards obtaining the leasing of the trams, quite apart from any particular syndicate? No.
360. Or agreed to use your influence to get the Government to bring in these resolutions? No. I do not think such a thing would have been likely, as the Government had expressed their intention to lease the trams; there was no necessity for it that I can see.
361. If anyone has said that you were in any way connected or interested in any syndicate formed for the purpose of leasing the trams, is there any truth in it? Not the slightest.
362. Or had they any authority from you to make such a statement? No.
363. Or would a similar statement as to your having any interest in the matter in the way of using your influence to further it, or in any way of that sort, be true? No.
364. When did you first become aware that any syndicates were being formed? In consequence of the introduction to the Cabinet, by the Colonial Secretary, of Mr. Andrew Rowan, particulars of which interview appeared in the papers laid before Parliament. That was my first intimation.
365. Was that before this motion? Oh, yes; in 1887.
366. That is the old matter? That is the old matter, yes.
367. That was at a time when Mr. Rowan was representing a Melbourne syndicate? Representing a Melbourne and Sydney syndicate.
368. When did you first become aware of the existence of syndicates proposing to deal with your late intention of leasing the trams? I knew last year that there were several syndicates floated.
369. How long before you introduced your resolutions, or was it before? Several months before. I saw by the press of the formation of one company at any rate.
370. Is that the New South Wales? I do not know the name of the company; that was the first intimation of that company.
371. Was that the company Mr. Huntley was associated with? I do not know Mr. Huntley in connection with it.
372. Did you know otherwise except through the press? Not of the establishment of that company.
373. Or of any syndicates? Yes; Mr. Rowan told me that their Melbourne syndicate was going in for the trams.
374. That was in 1887? No, in 1888.
375. When was that? I could not fix the month—I think at the commencement of the year. I heard that they were going to tender for the trams.
376. Where did you see Mr. Rowan—at Melbourne or in Sydney? In Sydney.
377. Did you know otherwise at all from anyone else anything about proposed syndicates or existing syndicates? Yes; Mr. Jennings told me that he was getting up a syndicate.
378. Anyone else? No one else.
379. Then you only knew, as I gather, that in the event of the Government's intentions being carried out there were syndicates being formed to deal with the matter? That is all I know.
380. You had no interest in any shape or form in any of them? Not in the slightest degree.
381. And you never said you had, or authorised anyone to say that you had? I never said I had, nor authorised anyone to say that I had.
382. You never authorised Mr. Bowman to say that you had? Never. I never had any conversation with him, except such as I have reported to you.
383. As to the Cliff matter;—were you associated with Mr. Cliff in any way at all in connection with any syndicates? No.
384. Or had you any interest in any syndicates with which he was connected? No, nor any conversation with him on the subject.
385. Was there any agreement or understanding, expressed or implied, between you and Mr. Cliff or anyone that you would have any interest in any shape or form? No. I never had any conversation with Mr. Cliff on the subject.
386. And apart from that, you had no interest, either expressed or implied, and no understanding that you would have any interest with Mr. Cliff, or with anybody else? No, none whatever.
387. It is stated that Mr. Fehon's appointment was made really with a view to put it in his power to act in the interests of a particular syndicate in Melbourne. That is, as I understand the matter; is it not so? The words were, that I had assisted Mr. Fehon to get the appointment of Railway Commissioner in order that some fraud might be worked in connection with the leasing of the tramways.

388. That preference might be given to some syndicate with which he was connected? No, not that any preference might be given. I think the words will be found in the Hansard report of Mr. Dibbs' speech.

Hon. Wm.
Clarke, M.P.
7 Jan., 1889.

389. "He can tell this House whether Mr. Fehon, nominally as Railway Commissioner, is not here for the purpose of piloting through the leasing of the tramways to a Melbourne syndicate." What do you say to that? I never had a word of conversation with Mr. Fehon about the leasing or the selling of the trams.

390. Had you anything to do specially with the appointment of Mr. Fehon? Yes, I recommended him.

391. I cannot do more than ask you whether there is a word of truth in the suggestion of Mr. Dibbs that Mr. Fehon was nominally a Commissioner for Railways, but really in that position for the purpose of piloting through the leasing of the tramways to a Melbourne syndicate? Not a word of truth in it as far as I know.

392. Did you ever hear such a thing suggested, excepting by Mr. Dibbs? No, excepting by Mr. Dibbs.

393. Did Mr. Bowman bring a letter to you from the Minister for Education? I do not remember it.

394. What were you doing, do you remember, at the Treasury that day? That I could not remember. I have not the slightest idea what I was there for.

395. Do the duties of your Department involve visiting the Treasury? No; but sometimes my representative character may call me to the Treasury.

396. But not in connection with the Department? No. I represent the electoral district of Orange, and may have some business to do at the Treasury for my constituents; but I do not remember that I was there even on that business.

397. You cannot say what took you to the Treasury on that particular day, or what your business was that day? No; unless it was that about that time I wanted to see Mr. Eagar about getting the use of the steam launch "Premier." I went to see if it was all right. That is all I can remember at the present moment.

The Honorable James Inglis, M.P., called in, sworn, and examined:—

398. *President.*] You are the Minister of Public Instruction? Yes.

Hon. James
Inglis, M.P.

399. In the present Government? Yes.

7 Jan., 1889.

400. You are a member of the Government that introduced the tram-leasing resolutions? Yes.

401. Are you aware that any syndicates were in existence for the purpose of dealing with the Government in leasing the tramways? Only by common report; I did not know of my own knowledge.

402. When did you first become aware of the existence of any such syndicates, by common report or otherwise? When Mr. Rowan came up first of all.

403. When was that? That was a good many months ago.

404. 1887 or 1888? It was 1887 when I knew of it first. I took very little interest in the matter of the syndicates.

405. That is Mr. Rowan, of Melbourne? Yes.

406. Were you aware of the existence of any syndicates formed in Sydney? Not personally; I heard that Jennings, Munro, and others were interested in one.

407. I suppose you heard of the others in the same way? I only heard of these two.

408. Rowan's and Jennings's? That is all I heard of until Mr. Bowman came up to see me.

409. Then Mr. Bowman came up to see you;—how long had you known Mr. Bowman? I knew Mr. Bowman first when I was Commissioner for India at the first Melbourne Exhibition. I was introduced to him by Messrs. James Henty and Company. Under Henty's orders he was starting the Calcutta Tea Association.

410. In Melbourne? In Melbourne; and my brother, the Hon. A. B. Inglis, chairman of the Calcutta Chamber of Commerce, and a member of the Viceroy's Council, wrote to me saying that it would be a good thing to work in with Henty, and then the Henty's started this man Bowman, and I got the exclusive agency of the Calcutta Tea Association in Sydney—Mr. Bowman being the man who was really working the thing, though he was backed by Henty and Co. Mr. Brown, my partner, and I carried on that agency for over a year. We were to get better terms from Mr. Bowman when we had raised the sales to a certain point. I worked very hard, and went through the country lecturing, for which I was paid by the Indian Government; they paid me a subsidy for my expenses, and we soon worked up the sales to very much more than the required amount. Then we found that Mr. Bowman hummed and hawed, and would not give us better terms, so we threw up the agency and started on our own account. That agency was taken up by George Griffiths and Company, and I believe they have it still. Mr. Brown and I went on our own account; imported our teas direct, started the Assam blend of our own, and from that time until the other day I have had no business transactions with Mr. Bowman.

411. You say "the other day"? Then he sent me up a telegram, which I have in my pocket, and which I will give you. I have seen him once or twice in Melbourne, when I have been there, but not to do business with him, just as a mere casual acquaintance, and that, on the 29th October, is the first communication with him in writing that I have had. The following is the telegram I received:—"When are tenders to be called, and what is deposit for lease Sydney trams? Reply quick."

412. Did you send a reply to that? Upon my word, I really forget, it made so little impression upon me. I think I wrote him a note to say that all the information that would be of any use to him he would get in the *Government Gazette* of such a date, nothing else, if I did that; but I do not remember whether I did. Some days afterwards he followed his telegram and came up himself. Whether I replied to him I cannot say. Very likely I did, for I generally reply and answer all my day's letters, if I can, on the day I get them. At all events, some days afterwards, Mr. Bowman came up, and he came to see me. He told me that he was representing a syndicate, and he mentioned Mr. Bent's name, and some others; but Mr. Bent's name is the only one I can remember. He asked me if I could give him any information, and I told him that the only information I could give him was in the public specifications which were published in the *Gazette*. He then asked me if I would give him a note to the Under Secretary so that he would go to the fountain head, and get what information he could. I think I gave him my card to Mr. Barling, and on the back of it I said, "Mr. Bowman is an ex-member of Parliament, from Victoria, and wants information about the trams. Let him have all the information you can give him," or something like that; but it was of such an ordinary conventional character that it made no impression upon my mind.

Hon. James Inglis, M.P. mind. If Mr. Barling is called I am sure he will corroborate this. Many persons come to me wanting my card, and to get information about this, that, or the other, and I am always courteous to them; and if I can assist them in getting any information of public interest I do so, and I simply did the same with

7 Jan., 1889. Mr. Bowman, and I saw no more of him until one day when Mr. Sutherland was ill, and I went up to sign some formal documents for him. I met Mr. Bowman in the lobby of the Works Department. As I was going in to Sir Henry he stopped me and said that he was going down to Melbourne that night, and if he could only see Sir Henry for a few minutes it would help him very much; that he had got all the information he could, and he would like to see Sir Henry as to whether there would be an extension of the time, or something of that sort. When I went in to Sir Henry I said, "There is a man, Bowman, outside, an ex-member of Parliament from Victoria. He is anxious to see you for a moment about these trams." I took little interest in the matter after it had been settled by the Cabinet, it not being one demanding such personal interest from me as if it had been in connection with my own Department, but I thought it was desirable that the Government should get as many tenders as possible. Sir Henry said,—I do not remember the exact words, but it was to this effect,—"I do not want to see him; I have nothing to do with him; it is not in my Department." "Oh, you had better see him, and get rid of him," I said, and he said, "Very well." When I came out Mr. Bowman was not there; but I told one of the messengers who was at the door to "tell that gentleman Sir Henry will see him in a minute," and then I went off to Mr. Sutherland's room, so that whether Mr. Bowman saw Sir Henry or not I cannot say. If he told anyone that I introduced him to Sir Henry that is not true. So that this is quite compatible with what Sir Henry said in the House about not remembering to have seen Bowman. Perhaps he did not; I do not know that he did. The next thing was that some time afterwards a Mr. Pritchard sent in his card—

413. Was he one of the contractors for the sewers? I do not know. I never saw him before, and have not seen him since; but I believe he is a railway contractor. I asked Jessop, my messenger, what his business was, whether it was public business, as I generally do. Jessop came in, and said that he wanted to see me for a minute, and would not keep me long, and that he was Mr. Pritchard, a railway contractor. I said, "Show him in." He said, "Mr. Bowman, of Melbourne, has asked me to call on you. He is representing a Melbourne syndicate, and I am representing a Sydney one. Mr. Bowman has made proposals to us to coalesce with them, to join forces, and has asked me to call on you, that possibly you might give me some information." I said, as nearly as I can recollect, "But this is very irregular. Even if I had any information you do not suppose I would give you it if it were not open to the public." He said, "Mr. Bowman represented to me that if I called upon you you would be glad perhaps to give me some information." I said, "Mr. Bowman had no right to say anything of the kind. All I know of Mr. Bowman is that I had some transactions with him some years ago, and they did not end altogether pleasantly, and since then I have had nothing to do with him; and if you take my advice the less you have to do with Mr. Bowman perhaps the better for you." If you call Mr. Pritchard you will find that I have never had any communication with him since, never seen him since, never saw him in my life before, and I have not written to him, nor have I written to Mr. Bowman. I have been content with what I said in the House. I am quite sure that if you see Mr. Pritchard he will tell you, if he is a man of honour and truth, that that is exactly what I told him—that I cautioned him not to look upon Mr. Bowman as a friend of mine; that I could not give him any information further than what was already open to the public; and that the less he had to do with Mr. Bowman perhaps it would be the better for him. That is all my connection with the tram matter.

414. Is it true that you ever had or have any interest in any syndicate formed for the purpose of leasing the trams? Absolutely none whatever.

415. Directly or indirectly? Not in any way conceivable.

416. Either directly or indirectly? Neither directly nor indirectly.

417. Is it true that you authorised Mr. Bowman or anyone else to say that you had? Never.

418. Or did you ever promise to use your influence in obtaining the leasing of the trams to anyone, or to any syndicate? Never; and in justice to Mr. Bowman, I may say that he never made the remotest hint of anything of that kind to me. All he did was simply to presume, upon his old business acquaintance with me, to ask me for the ordinary conventional kindness of a card, to enable him to get through his business more quickly than if he had not the card of a Member of Parliament or a Minister. People are often kept waiting in the lobbies a long time, and that was the only reason why he asked me to give him my card. Whatever Mr. Bowman may have said in Melbourne, I do not know; but, if he has said anything further than that, it is not true.

Joseph Barling called in, sworn, and examined:—

J. Barling. 419. *President.*] What office do you hold in the Works Department? Under Secretary for Works.

7 Jan., 1889. 420. Could you tell us how many tenders were sent in to lease the trams? I am speaking now from memory, but I think I am correct in saying that there were three tenders.

421. Can you tell us who the tenderers were? The tenders were not examined. Perhaps the better way would be to produce the record of our proceedings when the tenders were opened. The tenders were opened, but they were not looked at by us. They were opened by the tenderers that they might identify the deposits, merely for the purpose of our taking account of them, they were bank drafts I think, and sending them to the Treasury to be forwarded to the Bank for the return of the amounts to the depositors. According to the record to which I have referred the three gentlemen, who signed the receipts for the tenders were John Woods, M. C. Cowlishaw, and W. H. Jennings. Those three gentlemen were present.

422. Do you remember Mr. Bowman coming to Sydney? I do not remember his coming to Sydney, but a gentleman whom I believe to be Mr. Bowman called upon me. It is my practice to require the messenger to take the card of any gentleman who calls upon me, and having put the date upon it to deposit it in a card-basket as I find this a convenient method of identifying persons who call upon me, and as it happens Mr. Bowman's card is in my basket. This gentleman came to me from Mr. Inglis. Whether Mr. Inglis gave him a letter of introduction or only a card I forget, but I am inclined to think that he brought a card. At any rate its purport was to request me to put this gentleman in the way of finding out where the specifications were to be seen and particulars obtained with regard to the leasing of the tramways.

The

J. Barling.

7 Jan., 1889.

The course I pursued was this, I called the chief clerk and asked him to find out where the specification was. I had not the specification myself and up to that time in fact I had nothing whatever to do with it. The specification was not prepared by me or in our office, and I did not for the moment know where it was. I asked the chief clerk to take this gentleman, who I suppose was Mr. Bowman, to the place where the specification was, and the chief clerk informed me that he took him to an officer of the Railway Department named Badham, who I suppose showed him the specification. That was all I had to do with the matter. What makes me think that this gentleman only brought a card from Mr. Inglis is that I could not find any letter of introduction, and Mr. Badham also thinks there was only a card. But so little did I think of the matter at the time, that it entirely escaped my memory until Mr. Inglis mentioned it to me on the day or the day before he made his statement in the House.

423. I suppose that a card or memorandum from a Minister of the Crown would expedite the inquiry of the gentleman who presented it? I do not know that I could truthfully say so in a case of this kind. I think that if anyone came to me and asked for the whereabouts of a public specification, I should show him as much attention as if he presented the card of a Minister. There are some cases in which a Minister of the Crown would receive greater attention than anyone else, but not in a case of this kind.

424. However, the memorandum or card, or whatever it was, was simply an introduction to you showing you what this gentleman wanted to see? Nothing more; I looked at it in no other light.

TUESDAY, 8 JANUARY, 1889.

Present:—

C. E. PILCHER, Esq., Q.C., PRESIDENT.	A. LAMB, Esq.
E. W. KNOX, Esq., |	

THE PRESIDENT IN THE CHAIR.

James Burns, called in, sworn, and examined:—

425. *President.*] I believe you are a member of the firm of Burns, Philp, & Co.? Yes.

James Burns.

426. And you are the Chairman of the New South Wales Tramway Company? Yes.

8 Jan., 1889.

427. The company was registered, I believe, on the 31st May? I believe so.

428. We have your share register and the articles of association, and I observe that there are still unallotted 23,000 or 24,000 shares. Can you tell us why those shares were not allotted? Well, in the first instance there were more shares applied for than we could allot, and I remember going through the list myself with Mr. Cowlishaw, and where people applied for 20,000 or 50,000 we cut the number down to 10,000 and 20,000, so as to keep it within bounds, so to speak, so that we could allot the shares. We thought that it would be injudicious to issue up to the last share, and there was a balance of a few shares left.

429. Some 23,000 I think? Yes, I do not think that there was any particular design in not allotting them all. It arose in this way: those who applied, say, for 20,000 shares we cut down to 10,000. We cut the shares down to the number we thought the applicants were entitled to receive.

430. Did you also decline some of the applications on the ground of the people who made the applications? I do not think so. As far as my memory serves me, no proposals were declined, but the matter was dealt with by simply cutting down the applications.

431. But none were declined on the ground, for instance, that the applicants were persons whom you thought it was perhaps not desirable to have in the Company? No, I do not remember any such case.

432. Was there any reason that you knew of for not allotting the 23,000? No, there was certainly no specified reason whatever.

433. But was there any reason present to the minds of the directors that you are aware of, specified or not specified? No; there was no reason that suggested itself to any of the directors that I know of. I do not see what we could do with a number of shares like that. It was an odd number that happened to be left over after the allotment.

434. Did your company make any provision in the way of withholding shares to be applied for afterwards by Members of Parliament or other persons in public positions? Quite the contrary. I distinctly remember, and I was talking to one of the directors this morning and he said that he remembered my stating at one of the meetings that we should not, on any consideration, allow any Member of Parliament to hold an interest because it might be construed disadvantageously for us afterwards, and it was an understood thing amongst ourselves that no Member of Parliament was to be allowed to take shares.

435. But would that be in the original distribution? Yes; or in any distribution. We only had 1,000,000 shares.

436. What I want you to give me an answer to is this: Was there any arrangement or understanding in the company that any number of shares should be kept back for the purpose of allowing Members of Parliament or other public officers to apply for them at par or on any terms after the formation of the company after the company had obtained the lease? None whatever.

437. To your knowledge was such a thing ever suggested to the company? No; it was never suggested to the company that I know of.

438. You never heard of it? I never heard of it, and I am sure it never occurred, because our feeling all along was dead against it and the other way. We had overtures made to us for shares from different people. We were offered a premium of 2s. 6d. for 200,000 or 300,000 shares by a firm of brokers in Sydney, and there were people anxious to get shares who would have paid us a premium. But I remember remarking at a meeting one day that we had not anything tangible to sell, that we were only going on the chance of getting the lease of the trams, and it looked very much like backing a horse on a racecourse if people were going to pay a large premium anticipating that we as directors of the company had a better chance of winning than anybody else. It was not a very honest thing to do. So that we pledged ourselves that we would not allow any shares to be sold by any one if we could help it at any premium whatever. We were simply going to try to secure the tramway business if the Government were intending to sell it. We endeavoured to secure it for Sydney. The company was purely a local company. Those were

James Burns. were the lines we went on. We never took any action until we saw the whole of the correspondence published in Gazette form by the Government, showing that there were Americans and Melbourne people and others about to tender for the Sydney trams; and it struck a few gentlemen in Sydney that if the trams were to be leased a local company should try if possible to get them, and with that object in view we formed ourselves into a company and we tried to keep it aloof in every way from the shadow of a suspicion. We have the minutes of all our meetings here, and I think they will bear inspection in every way. I do not see how a public company like ours could possibly have made any reservation of shares. We as the directors simply represented the shareholders.

439. But quite apart from that, as a matter of fact you say you did not do it? No.

440. Or anything like it? Nothing like it; never dreamt of it even.

441. It never entered your heads, and it was never suggested to you by anybody? No; we endeavoured to keep a straight course.

442. But apart from that, it was never suggested to you, and never came before you for consideration even? No.

443. You are sure of that? Quite sure of it.

444. That is, in that form? It was never talked of at all at the meetings. Of course we heard rumours that all sorts of things were going on, as you will in private conversation, and all that sort of thing.

445. Would you tell me this: Did you ever authorize, or to your knowledge did the directors or any person connected with the company authorize, anyone to make any offer to any Member of Parliament? Never.

446. Did you ever hear of one being made? No; and I am certain it never was made. I am sure my co-directors would never sanction such a thing, and I am sure I would never do it myself.

447. Did your directors or any of you, or you or anyone authorised by them, ever instruct Mr. Huntley, or tell Mr. Huntley that he might, either directly or indirectly, inform Members of Parliament that they would get shares or money, or any other reward, for assisting to get the lease for your company? No, I never did anything of the kind.

448. Did you ever hear of that, or anything like that, until you heard the speeches made in Parliament? I never heard a word about it until I saw an accusation made in Parliament by Mr. Haynes against our Secretary. The first thought that struck me was that perhaps Mr. Huntley might have been connected with some other company prior to ours. I was quite staggered when I found that the charge related to our company, and I said Mr. Huntley ought either to be put into a madhouse, if there is any truth in it, or it is pure romance, because it did not seem to fit in with our case at all. We had no paid up shares, and no money to pay, and the connection we had with a large number of business people in the city, and our own names, would preclude anything of that sort happening surely. I think it is opposed to reason and common sense.

449. But what we want to know is, is it true—you say it is not true? Quite untrue; at least, of course, I do not—

450. I mean as far as you know? As far as I know.

451. If it was done it was never done by your authority in any shape or form? Quite the reverse. We did quite the opposite. We had an understanding amongst ourselves that no Members of Parliament were to be admitted, or to have any connection with it whatever.

452. You read Mr. Carruthers' speech in Parliament? I did.

453. You remember that the material part of his speech was that Mr. Huntley said that his idea was to retain some shares, so that Members of Parliament and persons in similar positions might, if they liked, come in at par;—did such a proposition ever come before you in any shape or form at any time? I never heard Mr. Carruthers' name.

454. Did you ever hear that proposition from any one? I never heard of it until I saw it in the paper.

455. Did the directors, to your knowledge, hear of it? Never.

456. Did it ever come before you for your consideration? Never.

457. Was such a thing brought before you, either before or after the registration of the company, in any way at all? I never heard a word about it. I never heard of Mr. Carruthers.

458. Apart from Mr. Carruthers;—I am speaking of the proposition? No. To my knowledge there was no intimation to the secretary or any one else that he might approach any Member of Parliament on any pretext whatever.

459. I want to know whether at any time—either before the registration of the company or afterwards—that proposition ever came before the notice of the directors in any shape or form, or was it ever considered by them? Never.

460. Neither one nor the other? Neither one nor the other.

461. *Mr. Knox.]* If Mr. Huntley made the suggestion, he did it entirely without authority? Decidedly so, if he did. I never saw Mr. Huntley in my life, until he was brought round by Mr. Cowlishaw, and he said, "Well, we will want a secretary for this if it comes off," and he introduced Mr. Huntley to me.

462. The deed of association is dated the 29th May, and the company was registered on the 31st? Yes.

463. Was that the first day—the 29th May—when there were any directors in connection with the company? Yes, I presume so.

464. As far as you know? As far as I know. Of course, the thing would be in process of formation before this.

465. But there would be no directors before the 29th May, and then only by deed? No. There were five of us who agreed to take a certain interest for ourselves and friends, and we saw the necessity of keeping the directorship amongst ourselves—because while we were tendering, it would not do to let others come in, who would know all we were doing.

Alfred Bennett, called in, sworn, and examined:—

466. *President.*] You are one of the proprietors of the *Evening News*? Yes; I am the managing proprietor. A. Bennett.
8 Jan., 1889.
467. Do you know Mr. Haynes, the Member of Parliament? Yes, well.
468. Is he on the staff of the *Evening News*? He is a contributor.
469. Did Mr. Haynes at any time make any statement to you with reference to Mr. Huntley? He never mentioned Mr. Huntley's name to me.
470. Did he mention anything to you with reference to any offer that had been made to him? In reference to these tramways?
471. Yes? Yes. About four months ago, or longer perhaps, he came into my office—it is his habit when he comes in to come direct to me and tell me anything he has got to give to the paper—and he informed me that morning that he had been offered a bribe on the tramway question.
472. What time of the day was it he told you this? This was in the morning, about midday, I believe.
473. When was it he told you he had been offered a bribe? In the morning, before one o'clock, or about one—between twelve and one, perhaps.
474. At any rate, before he spoke to you about any other business, which was about one o'clock? Yes.
475. Can you fix the day in any way at all? No, I cannot. He told me that a person had met him in Pitt-street, and offered to bribe him if he would support the leasing of the trams.
476. In Pitt-street? Yes.
477. Did he say what part of Pitt-street? No, he did not.
478. He said in Pitt-street? Yes.
479. Did he say what offer it was? No; he did not exactly tell me what offer it was.
480. Do you remember any details of the offer? I did not ask him any particulars. I told him to be very cautious. He knew that our paper was in opposition to the leasing of the trams, as advertised.
481. As advertised? Tenders had been called, I think, then.
482. Your impression is that tenders had been called, and he knew, you say, that your paper was opposed to the Government proposals for leasing the trams? Yes, he knew that; and the paper had written against it.
483. This was, you say, four months or more from now? Yes
484. Four months at least? Yes. I told him to be cautious, and if he could get any writing that he could make an example of this man.
485. You mean he should get the offer in writing so that he could make an example of the man? Yes.
486. What did he say to that? He said he would try his best. I told him not to be too hasty in making a complaint to the House, as I was anxious to see if he could make a good case. He also said, "I cannot tell you just now the name of the person who offered it to him." Of course, as he did not volunteer the name, I did not press him for it.
487. Did he identify him in any way, except that he was a man who said this? No, he did not—only someone connected with a syndicate. He did not say which syndicate.
488. Was it known at that time that there was more than one syndicate? I think it was.
489. Do you think that Mr. Haynes knew that? I do not know. He did not indicate in any way which syndicate it was. It was somebody connected with a syndicate.
490. But, connected with the paper as you are, you are under the impression that it was known at that time that there was more than one syndicate? Yes.
491. And you say that Mr. Haynes had been writing in your paper upon the subject? No.
492. I understood you to say so? Oh no, he did not write on it at all.
493. You say that your impression is that it was known at that time. Could you say, from your position in public life, whether at that time it was known generally that there was more than one syndicate? Yes; I think it was.
494. That is your belief? Yes.
495. That it was a matter publicly known that there was more than one syndicate? Yes.
496. What is Mr. Haynes' connection with your paper? Well, as I have mentioned, he is a contributor of Parliamentary and other news.
497. What I want to know is this: Does he mainly obtain his living from contributing to the *Evening News*? No; I think he does journalistic writing for other papers.
498. But is that at any rate a material item in his income? Oh! yes; it is a very nice little income.
499. He would, therefore, I suppose, have an interest in communicating anything he could to your paper which would further the views of the paper upon that question? Yes, certainly.
500. And if it were material and true, of course, it would be most important? Yes; and the more important it is, it is communicated direct to me first.
501. You say that he said he was offered a bribe. Did he tell you what the bribe was in any way? No; I do not think he did.
502. Did he mention it? He may have done so, but —
503. I mean as far as your memory serves you? I think he mentioned that a substantial bribe was offered.
504. You cannot say whether it was to take the shape of money or shares, or both, from what he said? No, I could not.
505. Simply "a substantial bribe" is all he told you, as far as your memory serves you? Yes.
506. You have already stated that he did not tell you the name of the person who made him the offer? He said he could not just then.
507. Did he tell you the syndicate on whose behalf the offer was made? No; I did not inquire.
508. He did not tell you? No.
509. *Mr. Lamb.*] Did you understand that he was purposely withholding the name, or that he did not know what the person's name was? I do not know. His words were, "I cannot tell you the man's name just now." Whether he did not know his name then or whether he was withholding it I do not know. I did not press it as it did not come voluntarily.
510. *President.*] From your connection with the paper you will perhaps be able to tell us what time the House generally meets? At that time, I think, at half-past 3,—between 3 and 4.
511. I understand you to say that Mr. Haynes told you this about 1 o'clock in the day? Yes.
512. Did I also understand you to say that he told you the bribe had been offered to him that morning? Yes.

A. Bennett. 513. And, as you understood, some short time before he saw you that morning? Yes.

514. In Pitt-street? Yes.

8 Jan., 1889. 515. And the House meets nominally at 4, but really at half-past? Yes; it used to meet about half past 3.

516. I think the rule of Parliament is that everything is half an hour late, to allow half-an-hour's grace? Yes.

517. Can you give us any further information in any way at all about this? No; that is all the information I can give you.

Jules Francois Archibald, called in, sworn, and examined:—

J. F. Archibald.

518. *President.*] You are the editor of the *Bulletin*? Yes.

519. Do you know Mr. Haynes? I do. I have known him for many years.

8 Jan., 1889. 520. Is he connected in any way with your paper? Not now.

521. Was he some time ago? At one time.

522. How long ago? I suppose about three years ago he was connected with our paper.

523. Has he been a contributor to your paper since? Not since.

524. He has had no connection, as contributor or otherwise, for the last three years? Not in any way for the last three years.

525. Has he at any time made any statement to you with reference to any offer made to him about the leasing of the tramways? Yes; I remember that, three or four months ago, I met him in Pitt-street. I at the time, being with Mr. Macleod, my present partner, and Mr. Haynes said something to me about "having caught them at last." He seemed to be in a rather excited condition, and he remarked that an offer had been made to him of a thousand or two for his support, and that at the right time he would tell all about it.

526. What time of the day was this? As far as my recollection serves me, it was after lunch.

527. How long after, do you remember? I suppose about a quarter past 2, or something of that kind. That is the time I ordinarily return to the office.

528. You were on your way back to the office from lunch? Yes.

529. That would be a little after 2? Yes. I am rarely out of the office during the day, and I am very rarely indeed out of the office with Mr. Macleod unless it is that we go to lunch together.

530. You remember that you were returning from lunch to the office? Yes.

531. For that reason you fix it some short time after 2 o'clock? Yes, a little after 2 o'clock.

532. What part of Pitt-street was he in when he made the statement? I think just outside the Mutual Provident Society's Office. It was either outside that, or Gibbs Bright's.

533. That is the north end of Pitt-street? Yes, the north end of Pitt-street. It was outside some large yellow-stone building, I remember.

534. Did he say who had made the offer? No, he did not. I asked him who it was, and I remember he did not tell me.

535. Did he give you any answer when you asked him who it was? "Oh," he said, "I will tell at the right time."

536. He did not say he did not know, or anything of that kind? No; he did not say he did not know.

537. Did you understand from what he said that he did know, but would not tell until what he considered the right time? Yes, that is my impression, that he did know.

538. He said he was to get a thousand or two; in what form was that thousand or two? What did you understand it to mean? I cannot remember whether he said anything about shares. I know he said he had been offered a thousand or two.

539. Did you understand that to be money, or what? I had heard other rumours of a similar kind from various quarters, and I thought it meant shares. I think I had seen a paragraph in some of the papers—

540. The *Evening News*? Well, I am not certain—a paragraph somewhere or other that a number of shares had been reserved for Members of Parliament. I thought it might have reference to that. I thought also it might have been Haynes who wrote the paragraph, or published it in some way.

541. Just give me that expression again, "that he had been offered a thousand or two, and had caught them at last," some such expression as that? He seemed rather excited at the time. He said that he had caught them at last, and when we asked him what it was all about, he said he had been made an offer of a thousand or two for his support.

542. His support for what? Well, to carry the tramway proposals through Parliament.

543. Did he say when the offer had been made to him? No, he did not say when, I think. I remember that when he left, Mr. Macleod said to me, "He seems to be rather in a rage with the Government; something has gone wrong with him." Mr. Macleod made some remark of that kind.

544. When you say he seemed excited could you judge from his manner and excitement and so on whether or not this cause of excitement, whatever it was, was recent or long standing? Well, he seemed to be so very excited about the matter, and so very much in earnest that it looked as if the cause of excitement had been immediately precedent to our meeting.

545. At any rate some short time before? Oh yes, just immediately.

546. Did it seem at all like a matter he could have brooded over for the night, judging from the state of his excitement? Ordinarily he is by no means an excitable man; he is very even tempered and good humoured, but he seemed to me absolutely red hot with it.

547. Do you know anything else that you can give us information about? No, I do not; that is all I know about the matter. Mr. Haynes told me that he told the Commission of this circumstance. He came down to the office the other day, and recalled it to my memory. I said, "I remember it." He said, "I am going to call you as a witness."

548. When was it he came down to the office; did he tell you the circumstances, what had occurred, and what he said to you? He simply said, "Do you remember a conversation we had about the offer made to me?" or something of that kind. I said, "Yes, I remember you speaking to me about the matter, in Pitt-street, some time ago. I was with Macleod at the time." He said, "I mentioned that to the Commission. I am going to have you called as a witness."

549.

549. Do you mean this Commission? Yes.

J. F.
Archibald.
8 Jan., 1889.

550. When was it he spoke to you about this? I suppose it must have been two or three weeks when he first mentioned to me that I was to be called; but he has been down since.

551. When was it he was down last? I am wrong in saying he came to the office last.

552. I mean when did he see you? The last time I met him was at the corner of Hunter-street, the other day, last Monday or Tuesday.

553. Did you receive a letter from Mr. Haynes? Yes; I received a letter from Mr. Haynes some considerable time ago now, asking me to write a letter to him addressed to the Legislative Assembly.

554. Is this the letter—

I now remember that I also spoke to you three months ago of a heavy bribe of 1,000 sovereigns and 1,500 £1 shares having been offered me by a civilian for my advocacy and vote in the leasing of the trams to a syndicate. As I intend making further reference to this matter, will you please say whether the above is a fact or not? I would like, also, if you would state whether or not I did not on the night of Thursday, 13th, speak to you of my intention of revealing the facts of the attempted bribery at the then occurring opportune time?

Did you receive that letter? I think I did—some such letter as that.

555. What 13th is that? That must be the 13th of last month.

556. Did he see you at all on the 13th December—the first night the tramway business came on in Parliament? I think he sent me the letter and then came round afterwards to see me.

557. That was the 13th? Yes; I suppose it was the 13th.

558. What did he say then? He said, "I simply want you to state what our conversation was." I did not send him the letter, as a matter of fact. "After all," I thought to myself, "anything I have got to say about it, I can say if I am called upon. I do not think any conversation I had with Haynes in the street proves anything at all, and it will look rather as if I had some interest in bolstering up this statement."

559. Having written that letter he went to you, on Thursday, 13th December? He came to me after I received the letter. He wrote the letter first, and then came to see me.

560. What did he ask you then? He asked me whether I remembered our conversation. I told him I did.

561. Did you tell him what the conversation was? Yes, I told him what the conversation was. I do not think I had read his letter. He came down to me in the morning. I had my letters there, and I saw his writing on the outside; but I had not opened his letter, as far as I remember.

562. Had he been to see you at all before that? I am not quite sure that he had been to see me. I do not think he did see me. I did not attach very much importance to the thing at all, "Because," I said to myself, "Haynes wants me to state what our conversation was, and I do not think it proves anything. It really does not matter very much. I do remember the circumstance of our conversation, but that proves nothing."

563. Can you tell us anything more? That is all I can tell you.

John Woods, called in, sworn, and examined:—

564. *President.*] I believe you are connected with one of the syndicates that tendered for the leasing of the trams? Yes.

J. Woods.
8 Jan., 1889.

565. Which one? The Sydney and Melbourne syndicate.

566. What position did you hold? I was one of the syndicate.

567. Were you one of the directors? No; there were no directors elected.

568. You are one of those who took a prominent part in forming the syndicate? Yes. There were not many of us in it.

569. Can you tell us of whom the syndicate consisted? It consisted besides myself of the following gentlemen, making in all eight members:—Mr. William Cain, of Melbourne, who is a director in the Sydney Omnibus Company; Mr. Jenkin Collier, of Melbourne; Mr. W. J. Sprigg; Mr. Andrew Rowan; the Hon. William McCulloch; Mr. Robertson, of Wagner & Robertson; and Mr. Frank Capp, manager of the Melbourne Tramway Company.

570. What was the capital of your syndicate? I am not sure whether it was three or four millions—either one or the other. It was at first three millions, and I think we increased it to four millions; but I am not sure.

571. In £1 shares? Yes.

572. Then do I understand that these gentlemen, whose names you have mentioned, took up the whole of the 3,000,000 or 4,000,000? Not exactly; because, although the capital of the company was to be £4,000,000 the members of the syndicate only undertook, at that time, to find £50,000. But the members of the syndicate held the whole interest in the syndicate for themselves.

573. It was a syndicate? Yes.

574. And these three or four million shares were held by the eight of you? Yes. We were to find a certain amount of money each, which we did, to provide the deposit to be sent in with the tender. Each member of the syndicate found an equal amount. We had made no arrangements as to what we would do afterwards; but there is no doubt we would have put the thing into a company, because we should not have been able to find all the money ourselves.

575. Your intention was, if you obtained the lease, to form a company? Yes, in the first instance offering a certain amount of shares in Sydney.

576. Were there any shares in your syndicate kept or reserved in any way for any Members of Parliament or persons in public positions? Not one, not even for ourselves.

577. So far as you know, was there any intention to allot any shares upon any terms to any Members of Parliament or any persons in public positions at any time? No; every share was to be sold.

578. That is, if you formed it into a company? Yes.

579. Sold in the usual way? Yes. There was not a sixpence reserved for one individual in the syndicate even.

580. Where was the syndicate to which you belong formed? It was formed in Sydney to a certain extent. Some two or three years ago we waited upon the Colonial Secretary about leasing the trams. I think we met in one of these rooms. Mr. Rowan, Mr. Cain, and others were present.

- J. Woods.** 581. Was there any agreement or anything of that sort in connection with your syndicate amongst yourselves—anything in writing? No; nothing at all.
8 Jan., 1889. 582. You say that each of you found a certain amount of money—what was done with that? It was sent in with the tender.
 583. Did you send in the deposit in cash? Each of us sent in a bank deposit receipt from his own bank for so much, amounting in all to £50,000.
 584. Then your tender was accompanied by several bank deposit receipts? Yes.
 585. Representing over £6,000 each, or £50,000 altogether? Yes.
 586. Then was there any writing or agreement of any kind between yourselves in existence? No, except a small memorandum containing a statement of the capital of the company at £4,000,000, and an agreement to tender for the trams in these words, "We, the undersigned, agree to tender for the trams," which agreement was signed by the persons whose signatures appear to the document I now produce [Appendix A.] These are the only two documents in existence. We had a meeting before we sent in the tender, when we fixed the capital of the company.
 587. You say the syndicate was formed originally in Sydney? Yes.
 588. Were there any meetings of the syndicate in Melbourne? There were.
 589. Was there any agreement or writing between you down there? No; nothing more than what I have told you. We could not come to any agreement until we knew whether or not we would get the tender.
 590. I mean amongst yourselves? No, nothing more than what I have stated, that is, that we were, as far as my memory serves me, to issue 500,000 shares to the public at once.
 591. Upon the lease being obtained? Yes.
 592. And then 500,000 as you want it? Yes.
 593. If you obtained the lease, that would be the mode in which you would form your intended company? Yes.
 594. But beyond that, was there anything in writing? No.
 595. And you say you do not know whether that was in writing? I am not certain whether that was in writing or not; I doubt if it was.
 596. Were the terms and conditions of the syndicate among yourselves settled in Sydney or in Melbourne? There was nothing settled more than I have told you. We only had one meeting in Sydney. Mr. Rowan went to Queensland and I went down to Melbourne at the time of the Cup meeting, and we had a meeting there.
 597. Then there was only one meeting in Melbourne and one in Sydney? That is all.
 598. As I understand you, the proceedings in connection with the syndicate were these, that you eight gentlemen agreed to find so much money for the purpose of tendering, and if you got the lease you then would form it into a company upon the terms you mentioned, and that is the whole thing? That is the whole thing; that is all I know about it.
 599. Were any members of the Government here interested in your syndicate in any shape or form? Certainly not.
 600. In no way whatever? In no way whatever.
 601. Or was there any promise that they should acquire an interest hereafter in any way? No; not to my knowledge.
 602. Did you ever hear of any such promise or of any arrangement or understanding? No; nothing of the sort.
 603. Was any promise made by the Ministry, or any Member of the Ministry, or any statement or representation made by them to your syndicate as to your obtaining the lease? No; not to my knowledge. I never had any promise from any Minister.
 604. Did you ever hear of one? Never. How could there be? It is unreasonable to think so. If a thing is offered for public tender what can a Minister do?
 605. Can you tell us when it was that the Government first of all called for tenders publicly? I think it was about five or six months ago; but I cannot distinctly remember. I think the tenders in the first instance were to be received some time in October.
 606. You speak of this syndicate of yours having been in existence for some years. Now at any time before tenders were called for, or at any other time, was any offer made, or promise or understanding come to between your syndicate and the Government or any Member of the Government with reference to your obtaining the lease of the trams? No. I know very well that the Government could not lease the trams without bringing the matter before the House.
 607. But apart from that I want to know whether the Government or any Members of the Government at any time ever came to any agreement, or had any negotiations with your syndicate with the view of granting you a lease of the trams? No.

The Honorable John Sutherland, M.P., called in, sworn, and examined:—

- Hon. J. Sutherland.** 608. *President.*] You are Minister for Works in the present Administration? Yes.
8 Jan., 1889. 609. And have been so for several years past? Yes.
 610. Will you furnish the Commission with a copy of the Parliamentary papers containing information concerning the original proposal to lease the trams? Yes.

WEDNESDAY, 9 JANUARY, 1889.

Present:—

E. W. KNOX, Esq., | C. E. PILCHER, Esq., PRESIDENT.

THE PRESIDENT IN THE CHAIR.

Edward Percy Simpson called in, sworn, and examined:—

611. *President.*] You are a member of the firm of Want, Johnson, and Company? I am.

E. P.

Simpson.

612. And you belong to the syndicate generally known as the Jennings' syndicate? I do; and was chairman of that syndicate.

9 Jan., 1889.

613. What was that syndicate? Do you mean the names?

614. You can tell us all about it? I will just give you a short history of it. In the first place the Government called for tenders. I, in conjunction with Mr. Robert Smith, of Norton and Company, Mr. Goddard, Mr. Jennings, and others, including Mr. Pilcher, in the first instance formed a small syndicate for the purpose of tendering for the trams. That syndicate, as it was too small, was afterwards dissolved, and Mr. Pilcher absolutely retired from it. A fresh syndicate was formed, including all the members of the original syndicate, except Mr. Pilcher, who had nothing to do with the new syndicate, and on more elaborate and influential lines. The syndicate consisted of forty-six shares and thirty-three shareholders, six shares being allotted to Mr. Jennings as fully paid up shares, in consideration of his transferring to the syndicate certain patent rights in connection with tramway construction. The syndicate, which I may say I consider to be one of the most wealthy and influential that was ever formed in the metropolis, comprised the following gentlemen:—W. H. Jennings, R. Watkins (Robert Chalmers & Co.), T. Walker, R. Swan (Walker & Swan), G. Munro (A. H. MacArthur & Co.), R. Smith (Messrs. Norton & Co.), A. Meeks (Bright Bros. & Co.), E. P. Simpson (Want, Johnson & Co.), G. A. & P. Mein, T. Saywell, R. Allen (Allen & Allen), W. C. Goddard, H. E. Russell, Griffiths & Weaver, E. H. Taylor (Starkey & Taylor), Louis Aarons, C. T. Starkey (Starkey & Taylor), E. Pritchard, J. Plumb, John Hunter, Joseph Marshall, C. J. Royle, Frank Hill, Herbert Salway (Fisher, Ralfe, & Salway), Turnbull, A. Lyell, F. A. A. Wilson, A. E. Jaques (Stephen, Jaques, & Stephen), Wickham & Foxall, R. Young, J. B. Christian, A. Sutherland, C. & E. Millar. That is the syndicate that tendered. We tendered for the trams but did not get them. Some of these names represent three or four shares.

615. You spoke of six paid-up shares being given to Mr. Jennings. Were there any other paid-up shares in the syndicate at all? None whatever, and each member of the syndicate, on his name being submitted to the shareholders, who had been elected, had to deposit with the syndicate £1,250 for each share, as an earnest of his intention to go through with the matter. All those deposits were made, and a tender, in pursuance of a resolution of the shareholders, made to the Government.

616. Were these shares held in different proportions by the gentlemen mentioned—I mean did some hold five, some six, some one, and so on? No; I think they were all held as one share to one man; but in some cases one person represented two or three other names.

617. Do you know whether any of the persons they represented were Members of Parliament? They were not.

618. Are you certain? I am certain.

619. *Mr. Knox.*] Practically there was no Member of Parliament represented in any shape or way in the syndicate? Neither directly nor indirectly. I say directly or indirectly because under our syndicate agreement, the name of every member of the syndicate had to be submitted to the general body of the syndicate, and the syndicate had the power of rejecting any name, and the directors had the power of refusing to recognise any transfer.620. *President.*] Was any provision made in your syndicate in any way whatever for inducing Members of Parliament to vote one way or the other? No; and I consider it an unintentional insult to me and every member of the syndicate to ask such a question.

FRIDAY, 11 JANUARY, 1889.

Present:—

E. W. KNOX, Esq., | C. E. PILCHER, Esq., PRESIDENT.

THE PRESIDENT IN THE CHAIR.

Henry Gullett called in, sworn, and examined:—

H. Gullett.

11 Jan., 1889.

621. *President.*] What are you? Journalist.622. Connected with what paper? The *Daily Telegraph*.

623. Do you know Mr. Haynes? Yes.

624. How long have you known him? I have known him very slightly, and only during the last year or so.

625. Have you ever had any conversation with him, or has he made any statement to you with reference to the leasing of the trams? He made a statement to me on that subject about three months ago.

626. Do you remember when and where that was? It was in the *Daily Telegraph* office, I cannot fix the date; but it was at the time when the subject of the trams was under general discussion. I think three months ago.

627. Was it before the Government called for tenders or after? According to my recollection it was after tenders had been called for, and certainly before the time for acceptance.

628. Was it before or after the resolution was introduced by Sir Henry Parkes into the House? Long before that.

629. What did he tell you? He was in the office one night, and he was talking in a general way, and in the course of conversation he said there was a great deal of wire-pulling, and efforts being made to secure the leasing of the trams by the parties interested, and he said that he had been applied to on the subject.

He

H. Gullett. He said that he had been applied to by some one on their behalf, who had made him a promise of money and shares if he gave them his support—either gave them his support directly or abstained from opposition.

11 Jan., 1889. 630. Did he say when that offer was made to him, and where? He made no detailed statement at all, and I did not ask him. It was a general statement, just in those terms.

631. Did he say anything else about it? He said nothing else. I did not put any questions, or carry on the subject. I just gave him my advice that at the proper time he should make a statement of what had occurred to Parliament, and he said that he would do so. That was all that took place.

632. What time of the day was it when he made the statement to you? It was in the evening.

633. What time? I could not say; I should think about 10 o'clock.

634. At night? At night.

635. You did not gather from him that the statement had been made to him that day? No; there was nothing to indicate that.

636. *Mr. Knox.*] Do you remember whether this was while Parliament was sitting? According to my recollection it must have been very close to the time of the assembling of Parliament, but whether before or after I could not say.

637. You have no recollection of anything which took place about that time which would enable you to fix the date? No. The matter made very little impression on me at the time. It only came up fresh to my memory afterwards, when the statement was repeated in Parliament. My impression, from what I said, is that Parliament could not have been sitting at the time. My impression is that I was giving him advice to take effect at some future time.

Charles Timothy Starkey called in, sworn, and examined:—

O. T. Starkey. 638. *President.*] I believe you are a member of the firm of Starkey and Taylor, accountants? Yes.

11 Jan., 1889. 639. And I believe your firm were members of a syndicate formed for the purpose of tendering for the Sydney trams—what was called the Jennings syndicate? Yes; I had one share, and I believe my partner had one.

640. Do you know all about the division of the shares and the arrangements of the syndicate? No; I do not. I only attended one meeting and that was on the point of rising when I got there. My partner, Mr. Taylor, attends to all financial matters in connection with our business.

641. Do you know anything about Mr. Haynes? I have seen him some half a dozen times perhaps.

642. Do you know anything of the matter in connection with Mr. Haynes and Mr. Huntley? Only what I saw in the papers.

Edmund Henry Taylor called in, sworn, and examined:—

E. H. Taylor. 643. *President.*] You are a member of the firm of Starkey and Taylor, accountants? Yes.

644. I believe you held a share in one of the tram syndicates? I did.

11 Jan., 1889. 645. The Jennings syndicate? I was one of the promoters of that syndicate in conjunction with Messrs. Jennings, Robt. Smith, Simpson, and others.

646. Do you know anything about the distribution of shares in the syndicate? Yes.

647. Can you tell me whether any shares were reserved in any way for Members of Parliament? Certainly not.

Edward Pritchard called in, sworn, and examined:—

E. Pritchard. 648. *President.*] I believe you are a contractor? Yes.

649. You were a contractor on the Bondi sewers? Yes.

11 Jan., 1889. 650. And you now have the Hornsby railway? Yes.

651. Do you know Mr. Bowman, of Melbourne? I do not.

652. Did you ever see him? I never saw him in my life to my knowledge.

653. Do you know Mr. Levien, the Member of Parliament? Yes.

654. Did you receive a communication from Mr. Bowman? I did.

655. When was that? It must have been two months ago. I received a telegram from him.

656. Have you got the telegram? I tried to hunt it up, but could not find it.

657. Do you remember the substance of it? He asked me to join his syndicate in Melbourne.

658. You got a telegram from him about two months ago, asking you to join his syndicate in Melbourne? Yes; or asking me to advise the people with whom I was associated to join his syndicate—to use my influence to induce them to join his syndicate. He being a stranger to me, he referred me to Mr. Inglis.

659. In the telegram? Yes.

660. Who were the persons with whom you were associated here—I mean in the way of a syndicate? I do not know the whole of them.

661. Was it the syndicate that was called the "Jennings syndicate"? Yes.

662. Consisting of Mr. Robert Smith, Mr. E. B. Simpson, and many others? Yes.

663. Did you reply to Mr. Bowman's telegram? Some days after I did.

664. Do you remember what answer you sent? I telegraphed stating that I did not understand his telegram and asking him to write more fully.

665. Did you get a letter? I did not.

666. Did the communication stop there? Yes; but I heard that he was in Sydney inquiring for me, though I did not see him. I remember now about the time it was. It was a few days before the Government extended the time for receiving tenders.

667. That would be in November? I think so.

668. Then your communications with him ceased with those two telegrams? Yes.

669. Did you see Mr. Inglis? I did.

670. Upon receipt of the telegram? I think a couple of days afterwards. I was at Chatsworth, and the telegram, which I think came to town, had to be forwarded to me; and as I was very likely at the quarry, I probably did not get it for two days. I think it was about two or three days afterwards that I saw Mr. Inglis.

E. Pritchard.

11 Jan., 1889.

671. Where did you see him? At his office.

672. What took place? I went to his office and enclosed the telegram in an envelope, which I marked "Private," and sent it in to him, so that I should not have to wait.

673. Then you were shown into the office, I suppose? Yes.

674. What took place? I asked Mr. Inglis whether he knew this gentleman, and he said he did, and I asked him what sort of a man he was. He said the man had no business to refer me to him, and he would not advise me to have anything to do with him.

675. Is that all that took place between you and Mr. Inglis? That is all.

676. *Mr. Knox.*] Then you let the matter drop? Yes. Even if Mr. Inglis had spoken favourably of him I do not think I should have entertained his proposal, because I was pledged to the Jennings syndicate, and I do not see why I should have left them in order to join the Melbourne syndicate. After seeing Mr. Inglis I did not even lay Mr. Bowman's telegram before my syndicate.

677. You say you had a share in the Jennings syndicate? Yes.

678. Can you say as far as you know whether there was any provision made in the syndicate for bribing Members of Parliament? I am sure there was not. I must have heard something of it if there had been, but I never heard a word of the sort.

John Woods called in, sworn, and further examined:—

679. I believe, some eighteen months or more ago, your syndicate tried to obtain a lease of the trams from the Government? We met Sir Henry Parkes in this office and put it before him, and told him that we were prepared to lease the trams. I believe that every Member of the Cabinet was then present.

680. What did Sir Henry Parkes say? Sir Henry Parkes stated, as far as my memory serves me, that it was not possible for the Government to lease the trams; but that he would very probably bring in a Bill during the Session to lease the trams.

681. Is that all that took place? I think that is all that took place.

682. Is it true that the Government at any time promised or led you to understand that you were to have a lease of the trams without competition? Never; it never was asked.

683. You never asked for it, and no such promise was given, in any shape or form? No promise was made to us by the Government in any shape or form.

684. That you were to have the trams without competition? No; the question was never asked, and it was never promised.

685. *Mr. Knox.*] And you never expected it? We never expected it. The reading of the Act is quite plain. They can only lease I think for three years.

686. *President.*] I want to ask you one more question. In any of the negotiations at that time, that is before these tenders were called, was there any arrangement by which any member of the Government was to have any interest in any shape or form in the leasing of the trams? There never was any arrangement among members of the syndicate that any Member of the Government should have a share or any interest in the tramways when leased, nor, so far as I am aware, did any member of the syndicate contemplate or make any arrangement or promise of this nature for himself. The thing was never even proposed or discussed.

687. Have you any doubt in your own mind that no such arrangement was made? I have no doubt at all.

688. Was Mr. Inglis or Mr. Clarke, either one or the other, in any way associated or interested in the syndicate in any shape or form? In no way whatever.

689. Either prospectively or at that time? They were not interested in any way.

690. Nor were they to be interested? I am sure they were not.

Andrew Hardie McCulloch, junr., called in, sworn, and examined:—

691. *President.*] I believe you were a Member for Central Cumberland at one time for some years? Yes.

692. Do you know Mr. Carruthers? Yes.

693. He tells us that he had a conversation with you in which you made some statements with reference to the tram syndicates? Yes.

694. Do you remember the conversation? Well, I think I remember the substance of it.

695. In which Mr. Huntley's name was mentioned? I am not sure whether Mr. Huntley's name was mentioned; but I mentioned to Mr. Carruthers that I had heard that a company had been formed in which 100,000 shares had been reserved for Members of Parliament, and he said that he had heard something of the same kind, and I think then that he mentioned that Mr. Huntley had told him that shares were reserved in the company for Members of Parliament, but he ridiculed the idea of these being reserved for any individual members of Parliament.

696. You say that you heard that a company had been formed;—which company was that? I did not know which company.

697. You were simply told that a company had been formed? Yes; I believe it was the syndicate of which I afterwards learnt that Huntley was the secretary.

698. Do you remember who your informant was? I think it was Mr. Kelso King.

699. *Mr. Knox.*] The manager of the Mercantile Mutual? Yes.

700. *President.*] Did he tell you that 100,000 shares had been reserved, or that he had heard it? That I would not be sure of; it was only conversation.

701. For aught you know it might have been mere rumour repeated by King to you? Yes, mere rumour repeated to me.

702. Do you, of your own knowledge, know of anything of that sort? Nothing whatever.

703. Did you hear anything of that sort from anybody excepting King? Oh, I think it became pretty general talk afterwards, and I heard many persons mention it.

704. Substantially the same thing? Substantially the same thing; sometimes 50,000 and sometimes 100,000 shares.

705. But with reference to the same syndicate? Yes.

706. That was the syndicate of which Mr. Huntley was secretary? I heard afterwards that it was.

707. You said that the rumour you heard, and which you believe was talked about generally, was this same rumour with reference to the same company? Yes.

J. Woods.

11 Jan., 1889.

A. H.
McCulloch,
junr.

11 Jan., 1889.

- A. H. McCulloch, junr.
708. Do you know of any attempt in any way whatever to influence Members of Parliament on this question? No, none whatever.
709. Is this the only thing of the kind you ever heard of? That is all I ever heard of.
- 11 Jan., 1889. 710. Except mere rumour? That is the only thing. Of course I have heard all sorts of rumours.
711. You know of no attempt in any shape or form to influence any Member of Parliament on the tram question? Nothing whatever.
712. And you cannot say whether or not any shares were reserved for Members of Parliament in the company of which Huntley was secretary? Of my own knowledge I cannot say it. The shares which Mr. King mentioned to me as being reserved for Members of Parliament I understood were not to be given to the Members, but reserved for them to apply for like other members of the public.

MONDAY, 14 JANUARY, 1889.

Present:—

C. E. PILCHER, Esq., Q.C., PRESIDENT.
E. W. KNOX, Esq., | A. LAMB, Esq.

THE PRESIDENT IN THE CHAIR.

Thomas Dalton, M.P., called in, sworn, and examined:—

- T. Dalton, M.P.] 713. *President.* You are a Member of Parliament, representing the Electorate of Orange? Yes.
714. Do you remember when the debate on this tram business occurred? I do.
- 14 Jan., 1889 715. Do you remember yourself, Mr. Fletcher, Mr. Levien, and some others being in the Opposition Room at Parliament House? I can detail the whole of the circumstances to you. I cannot fix the date, but I think it was on or about the date that the Colonial Secretary tabled the resolutions about the tramways. I remember it was before tea-time, in the afternoon. What is commonly known as the Opposition Room was vacant; but in a little ante-room leading from this room there were Mr. Fletcher, Mr. Wall, I think Mr. Dawson, and myself, sitting together, when Mr. Carruthers came through the Opposition Room and put his head out at the door and asked for somebody; he says Mr. Garvan, but I have no personal recollection of the name now. However, immediately he appeared Mr. Fletcher asked him to come in and sit down, and I said the same thing, and told him to come in, he was among friends. He came in, and Mr. Fletcher asked him how he felt about the tramways. He said he did not like it at all—that he was opposed to it. I cannot exactly remember now the words that were used, or who used them; but I have a distinct recollection of Mr. Carruthers saying that he would not vote for the Bill, on the ground that there was corruption spoken of, and that he had some knowledge of it himself. I also recollect his saying that overtures were made to him by somebody whose name he did not mention at the time; and he went on to say other things on the same lines. I was not certain of the point he was aiming at, and I put a leading question to him, and asked him if he knew these things as facts; and then, after that, he said, "Yes," he did know they were facts, because somebody offered him something if he would vote for the resolution. That is all I know about it. Immediately after this conversation, to the best of my recollection, Mr. Levien came into the room, and I took the trouble to explain to him at the time that portion of the conversation that I have already given in evidence.
716. Were any such expressions used by yourself, or Mr. Fletcher, or Mr. Levien, as intimated that the tram business was a fraud or a swindle, or that anybody was going to make a pool out of it? No. The only thing that was said was that it was in the air; that corruption was in the air; that it was said out of doors that Members of Parliament had something to do with it; and that was what really prompted my remark to Mr. Carruthers when I asked him if he knew what he was stating to be facts.
717. You say "it was in the air"—I suppose you mean rumours? Yes.
718. Did Mr. Fletcher, Mr. Levien, or yourself, or anybody else in your presence, say anything to Mr. Carruthers to the effect that the tram business was a swindle, or that there was corruption, or that anybody was going to make a pool out of it, or anything to that effect? No. The fact of the matter is this: I believed all along, and I am of opinion that Mr. Fletcher believed also, and other members of the Opposition, that there was nothing whatever in the affair.
719. What do you mean by nothing whatever in the affair? That there was really no corruption, nor do I believe it now. I know that some foolish remarks have been made about asking people, and I may say here that I myself was asked if I thought the Opposition would vote for the Bill, and I made the remark that they would never get the Bill, that they need not bother their heads about it, and that they were foolish in providing money for the purpose. I mentioned this to Mr. Burns, and also to Mr. Woods.
720. You have told us already that you do not believe yourself that there was any corruption? Yes.
721. I am bound to put you this question: Do you know of any attempt, direct or indirect, to influence or to bribe any Member of Parliament? Certainly not; I know nothing of the sort of my own knowledge; nothing whatever.
722. Do you know anybody who does? I do not.
723. When you say "of your own knowledge" you mean you do not know? I mean to say that nobody approached me.
724. And you know of nobody else being approached? No; nobody told me they had been approached excepting what I have told you.
725. Excepting Mr. Carruthers? Excepting what Mr. Carruthers said.
726. When you speak of a person asking you if you thought the Opposition would vote for the leasing of the trams, I do not understand you to mean that there was any corruption? Certainly not.
727. That it was only an inquiry? Simply an inquiry.

James Fletcher, Esq., M.P., called in, sworn, and examined:—

J. Fletcher,
M.P.

14 Jan., 1889.

728. *President.*] I believe you are a Member of Parliament representing Newcastle? I am.
729. Do you remember the time when the tram-leasing debates were on in Parliament last month? I do.
730. Do you remember a circumstance when you and Mr. Dalton and some others were sitting in the Opposition room and Mr. Carruthers came in? I do.
731. Will you tell us what that was? Mr. Carruthers came in, and after he had been in some little time he said he thought there was some corruption, or words to that effect; he led us to understand that there was some corruption going on in the attempt to lease the tramways, and without being asked what it was, he gave a statement that Mr. Huntley—I think that was the name, I do not remember the name, but it was mentioned in the debates in Parliament—had met him in King-street, and told him that there were so many thousand shares to be allotted to Members of Parliament if the resolution was carried to lease the trams. I think he protested against any such thing being done with Members of Parliament. That is all I heard about it. A great deal of talk went on with other Members in the room, but I paid no attention to it, beyond what I have told you.
732. Did you, or Mr. Dalton, or Mr. Levien, or any one else, except Mr. Carruthers, use any expression to the effect that the leasing of the trams was a piece of corruption, or that anybody was making a pool out of it? I think the most I said, or anybody else said, was that if that was the case it looked very like corruption. And I said more. Backed up, as I understood it was, by the fact that the specification for leasing the tramways, as drawn up by the late Commissioner for Railways, Mr. Goodchap, had been altered by a sub-committee of the Cabinet, I said that I did think it looked very fishy. I may be permitted to say that I think now it looked awfully fishy. Beyond that I know nothing. Nobody ever spoke to me about giving me any portion of the 100,000 shares.
733. What was the alteration in the tenders you have referred to? I remember Mr. Goodchap telling me about his specifications. There was no such thing as advancing a certain sum—lending the intending tenderers a certain sum of money at 4 per cent. But apart altogether from the details of the alteration, knowing that they had been originally drawn up by perhaps one of the ablest men in the Colony on railway matters, the very fact of any attempt being made by the members of the Government to alter Mr. Goodchap's work to my mind was sufficient to create suspicion.
734. Suspicion of fraud? I think so. Not fraud on the part of the Government; but I do not think it was as open in the interests of the public, nor as fair as it would have been, if they had allowed Mr. Goodchap's specifications to remain unaltered.
735. Do I understand that the alteration you refer to was that after the specification passed out of the hands of Mr. Goodchap the Government proposed that they should advance a sum of money to the tenderers at an interest of 4 per cent.? Yes.
736. Are you aware whether the Government of Victoria have guaranteed the loans to the Tram Company in that Colony? No; I think the municipalities did it under the law; but then they get back everything at the end of the term, without payment.
737. The Government gets that back? No; the various municipalities through which the tramways run, as I understand it.
738. Is it the municipalities then that guaranteed the interest, or the Government? I think the municipalities. But the difference between them and us is this: Our tramways are made already; but there the Tram Company had to make the tramways, which become the property of the municipalities at the expiration of the term.
739. Are you aware of any attempt in any shape or form to interfere or bribe any Member of Parliament on the question of trams? I am not. The only thing I know about that is what was stated by Mr. Haynes.
740. That is the only information you have about it? That is the only information that I have. I know several gentlemen who, I have learned since, were intending to tender, and all I can say is that from my knowledge of them they would be no parties to corruption.
741. Did they tender? I do not think so.
742. Do you know the gentlemen who composed these different syndicates? I do not. I made up my mind to oppose the proposal from the very first.
743. I would like to ask you this question, as you have a wide experience and knowledge of persons here. These are the names of the shareholders in the New South Wales Tramway Company (reading list); I just want to know your opinion of these gentlemen, in general terms? I know a number of those gentlemen intimately, and they would be far above anything corrupt.
744. You speak generally of this list? I speak generally. I know that the majority of those mentioned here would not lend themselves to anything of the sort.
745. You say that personally you know of no attempt to influence or bribe in any shape or form any Member of Parliament, and that you never experienced any, or heard of anything, with the exception of what Mr. Haynes said? No; I do not think any man would have the hardihood to offer a bribe to me. I heard rumours such as the statement of Mr. Carruthers.
746. But you know of nothing to justify the rumours? Nothing whatever.

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

M. C.
Cowlishaw.

14 Jan., 1889.

747. *President.*] You are a member of the firm of Cowlishaw Brothers, merchants, of Sydney? Yes.
748. And I believe you were on the Board of Directors of the N.S.W. Tramway Co.? Yes.
749. We have the minutes of your Company here, and I see that, on the 26th October last year, it was resolved "That Messrs. Cowlishaw and Burns be deputed to approach the Sydney Omnibus Co. to arrange an amalgamation, if practicable, on the most favourable terms possible";—did you and Mr. Burns approach the Sydney Omnibus Co.? We had an interview with Mr. Cain and Mr. Woods.
750. As a matter of fact no amalgamation took place? No.
751. Was anything said at that interview with reference to the shares in your syndicate—as to their disposal? The proposal we made was that we should give them half of our shares and retain half ourselves—that each should have 500,000 shares; that we should give their syndicate 500,000 and keep the remainder, each one in our syndicate giving back so many shares.
752. You mean the shareholders in your syndicate contributing 500,000 shares amongst them? Yes, ratably.
- 753.

- M. C.
Cowlishaw.
- 14 Jan., 1889.
753. That proposal came to nothing? No.
754. Was anything said about keeping back any number of shares;—did that make up an even number; was there any question about an odd number of shares? No, there was no question of keeping back any shares at that time. We treated it as if all our shares were allotted with these people. The only shares kept back at any time were some shares that were allotted to another syndicate which we absorbed—the syndicate in which Messrs. Monie and Fishburne and others were interested. We treated with Taylor and Starkey for the absorption of the Jennings syndicate, but we could not come to terms.
755. But you did absorb the Monie syndicate, and you tried to absorb the Jennings syndicate and the Sydney Omnibus Co. syndicate, and failed in both these latter cases? Yes.
756. Was anything said, or was any arrangement made by your syndicate at any time to keep back shares for any purpose—any ultimate purpose of the syndicate? The only shares that were kept back were kept with the object of getting any one we thought would benefit our company.
757. In what way do you mean? For instance, if there was a man with a patent we could give him so many shares, and get his patent. For instance, we have got one patent now from Duck, Kerr, & Co., of Edinburgh,—the best patent, they say, that is in use in any part of the world. Well, we would treat with them to give them so many shares and so much cash if we got the lease of the trams.
758. Were any shares kept back in your syndicate in any way for Members of Parliament or for any other public persons? Not that I know of.
759. Did you ever hear of such a thing? No.
760. I do not mean to say as a gift to them, but on any terms whatever? I do not think they were ever mentioned specially. I never heard them mentioned specially.
761. Any number of shares kept back so that they might come in afterwards as members of the public? 246,000* shares were kept back. There were more applications than the million shares originally, but we cut the numbers down.
762. But out of that 246,000 Monie's syndicate absorbed 120,000? Yes, and we thought we would get the Jennings syndicate for the remainder.
763. What I want to know is, whether any of those shares that were kept back were ever intended in any shape or form to be reserved for Members of Parliament or other persons in public positions? No, I do not think so. I did not understand so.
764. Did you ever hear so? No. It was never mentioned to me as such.
765. Was it ever mentioned at any Board meeting? No.
766. What did you understand they were being kept back for then? To get anyone we thought would benefit our company—engineers, or anybody of that sort.
767. But that expression might include Members of Parliament, because they might benefit your company very materially? It was never mentioned at any meeting about any Members of Parliament.
768. What do you mean by persons who might benefit your company—what class of persons? People who thoroughly understood the working of tramways would benefit our company; laying down the trams; who would not come in unless they had shares in the company.
769. Was it also intended absorb other syndicates? Yes, which we did.
770. And, as you said before, persons with patents? Yes.
771. And you say you never heard of the shares being intended in any shape or form for Members of Parliament? No.
772. On any terms? No.
773. Was anything said at that interview either by you or by Mr. Burns, to the effect that shares were being retained for Members of Parliament? Not to my knowledge.
774. Did you hear it? No; I do not think so.
775. Did you hear Mr. Burns say it? No.
776. You say you do not think so—that is an equivocal expression? Of course I could not say exactly what took place, because Mr. Cain got very excited about it at the meeting, and said we must trust to them. He wanted us to come in behind them and Mr. Cain, and Mr. Burns got to words about the matter, so that things might have been said that I did not take particular notice of. I knew that as a matter of fact, as far as I was concerned, there was no understanding that anything was to be retained for Members of Parliament.
777. And you never said so? No.
778. Was there any discussion at this meeting with Mr. Cain and Mr. Woods about the allotting of the 100,000 shares of your company that were not dealt with? No, not that I know of; not that I remember.
779. Did Mr. Cain ask anything about them—what you were going to do with them? No; not to my knowledge.
780. As I understand, you were to give them 500,000 shares, and retain 500,000? Yes.
781. You say that these 500,000 were to be made up by contributions from the shareholders? Yes; the balance that was required. We had then about 140,000† odd shares, and then we were all to contribute ratably to make up this quantity.
782. What quantity? The 500,000.
783. Was the unallotted portion to come in to this 500,000? Yes. Mr. Cain at the time said, "We do not want to know anything at all about your syndicate. We only know Mr. Burns, yourself, and Mr. Stokes." But the principal conversation at that meeting was between Mr. Cain and Mr. Burns.
784. I want you to be quite clear if you can whether, so far as you are aware, you being a member of the Board, any shares were ever reserved to be given to Members of Parliament on any terms? Not that I know of.
785. It was never mentioned at any Board meeting, and you never heard of it? No.
786. *Mr. Knox.]* Was it mentioned at this meeting with the Omnibus Company? No; not to my knowledge.
787. Surely everything that passed must have been to your knowledge? Yes; but many things might have been said that I might not have taken particular notice of.
788. Surely you would have taken notice of a statement that 100,000 shares had been reserved? I do not remember anything being said.

789.

* NOTE (on revision):—Witness, in revising his evidence says: I find the number of shares available was 146,000.

† NOTE (on revision):—Witness in revising his evidence says: I find the number of shares should be 26,000.

789. Surely you can remember definitely whether or not anything was said at that meeting to the effect that 100,000 shares were to be reserved for Members of Parliament? I say "no" to that. They were not being reserved; and I explained to the President a moment or two ago what we proposed. We explained to Mr. Cain and Mr. Woods how we were to deal with these shares, that we were to give them the shares we were not allotting. We were then to give back ratably, according to our holdings in the company, so many shares to make up their quantity.

M. C.
Cowlishaw.
14 Jan., 1889.

790. *President.*] To make up the 500,000? Yes.

791. What we want to know is this. At the time you had this interview with Mr. Cain and Mr. Woods you had about 140,000* unallotted shares? Yes.

792. Did you or Mr. Burns represent that those 140,000* shares or any portion of them were intended for Members of Parliament? I did not.

793. Did Mr. Burns? Not to my knowledge.

794. Did you hear him do it? No, I did not.

795. Are you quite sure about that? Yes.

796. I do not mean as presents, but on any terms? No; it was never mentioned.

Kelso King called in, sworn, and examined:—

797. *President.*] You are the manager, I believe, of the Mercantile Mutual Insurance Society? Yes.

Kelso King.

798. I believe you act as agent for a number of gentlemen in addition to that? Yes.

799. Were you interested in any of the syndicates formed to obtain the leasing of the trams? Not myself; I was not interested.

14 Jan., 1889.

800. Were you interested as acting for some other gentlemen? As acting for members of a public company—a registered company.

801. Which one was that? The Sydney Tramway and Omnibus Company.

802. Are you aware that there were negotiations between the New South Wales Tramway Company and the Sydney Tramway and Omnibus Company for the amalgamation of the syndicates? It was merely a suggestion. There were no negotiations entered into. There was merely a suggestion that such a thing should happen.

803. Where was the suggestion made, so far as you know? The suggestion was made to me.

804. But, first of all, I am speaking about the two companies;—were any negotiations entered into between the two companies or syndicates? Nothing besides what occurred with myself.

805. Were you present at the interview between the two companies? No, I was not.

806. What suggestion is this that you refer to? A suggestion was made.

807. By whom? By a member of Mr. Burns' syndicate. I do not know the name of the syndicate it was.

808. The New South Wales Tramway Company. Who was the member of that syndicate that made the suggestion to you? Captain Broomfield.

809. He made a suggestion—to what effect? About amalgamating; that it might be worth while amalgamating with his own syndicate.

810. Nothing more? He simply asked me if I would go and see Mr. Burns.

811. Nothing more? Nothing more.

812. Did you go and see Mr. Burns? I did.

813. What took place between you and Mr. Burns? It was merely a conversation, at which I was not at liberty to bind anybody. I did not tell him whom I represented, or anything of the kind; but I simply told him that I did represent members of a company who would tender for the trams, and I was there at his invitation. He asked me what proportion we would want of his company. That I could not say; but I went there to hear his suggestions, and he told me, amongst other things, that he had reserved certain shares, and that he would not be able to give very many, because he had to reserve certain shares for people who would not come in just then until the arrangement was decided, or the necessary permission was given to lease the trams.

814. Was that his own language, were those the words that he used? No, those were not exactly the words he used; but they were to that effect.

815. Give us his words? He said Members of Parliament.

816. Give us his exact words, as nearly as you can? Those are his exact words, that he had reserved 100,000 shares for Members of Parliament.

817. On what terms, did he say? I do not know on what terms; I did not ask him. I suppose the same terms as everyone else; but I did not ask him anything about that.

818. Where was this? In his office.

819. Do you remember the date? I cannot say the date; but it was about the time he registered. He had not registered at that time, and I saw the registration noted a few days afterwards.

820. The company was registered about the first week in June? I could not tell you. That would be six months ago, and it does not seem anything like that. If that is the date it is longer than I supposed.

821. Is that what you referred to when you spoke to Mr. McCulloch? Yes.

822. When he made this remark to you what did you understand from him by his reserving these shares for Members of Parliament? I understood him to say that Members of Parliament would not come into it until it was passed in the House.

823. What I want to know is this: Very often the detailing a bare statement would not convey to other people exactly what seemed to be passing between two minds at the time of the conversation, and very often an impression in the mind of an intelligent man is more valuable than mere words. I want to know what impression you received from what he told you as to the 100,000 shares? That he had reserved them, as I stated, for these people. Do you mean on what terms?

824. I want to know whether your impression was that they were to be a bribe? I do not think so.

825. The impression you gathered was that they were not to be a bribe;—is that so? It is.

826. The reason I ask you is because impressions in the case of honest and respectable people are often more valuable than mere words? I thought, from what he said, that these were personal friends of his, and that he wanted to see them in it because he thought it was a good thing.

827.

* NOTE (on revision):—Witness subsequently corrected the figures to 26,000.

K. King. 827. Did he mention the names of any Members of Parliament? No; he did not mention the name of any member of his syndicate either.

14 Jan., 1889. 828. *Mr. Knox.*] Were you not aware, then, that there had been a meeting between the directors of the Sydney Omnibus Company and the directors of the New South Wales Tramway Company? No.

John McElhone called in, sworn, and examined:—

J. McElhone. 829. *President.*] You are a Member of the Legislative Assembly? Yes.

14 Jan., 1889. 830. We received a letter from you the other day, in which you make reference to some dealings of the Government with regard to the leasing of the tramways? To some statements made to me.

831. In your speech in Parliament, reported at page 1271 of *Hansard*, you refer to a conversation you had with a gentleman in Sydney; would you give the Commission the particulars of that conversation? Prior to the prorogation of Parliament last Session, which would be about seven or eight months ago, I met Mr. Proudfoot at the corner of King and George Streets, opposite the Joint Stock Bank, and he made certain statements to me about the leasing of our tramways to the Melbourne Tramway and Omnibus Company. I asked Mr. Proudfoot to put the statement which he made to me in writing, otherwise I would not act upon it. I said that if he would give me his statement in writing I would bring the matter under the notice of Parliament, and try to put a stop to any particular company getting the lease of our tramways without full and fair competition. Mr. Proudfoot then wrote me to say that he had been in Melbourne a short time prior to speaking to me, and that when in Melbourne he had seen Mr. Duncan, the engineer for the Melbourne Tramway and Omnibus Company, whom he had known for a good many years in New Zealand, and who had in fact been almost brought up as a boy under him on his railway works; that in a conversation about the leasing of the trams, and with regard to various syndicates tendering for them, Mr. Duncan told him that it was no use any Sydney or other syndicate tendering to lease the New South Wales tramways, as the Government of New South Wales had virtually given the lease of the tramways to the Melbourne Tramway and Omnibus Company, and that it was all settled, excepting the signing of the agreement and the handing of them over. Mr. Proudfoot also stated to me that two of our Ministers had been over there, he believed, in connection with the leasing of the trams, and he mentioned the name of Mr. Clarke, who, he believed, would be an interested party with the Melbourne Tramway and Omnibus Co. if the lease to that tramway was carried out. He also stated to me that when up inspecting the White Rock silver-mine with Mr. Matheson, the Member for Glen Innes, and other Members of Parliament, he, Mr. Proudfoot, made a statement that it would be a better mine than any silver-mine if our trams could be got on reasonable terms; upon which Mr. Matheson said it was too late for anyone to think of getting them, as the Government had actually agreed to give the Melbourne Tramway and Omnibus Co. a lease of the New South Wales tramways. Mr. Proudfoot distinctly stated that he believed from what he had been told that Mr. Clarke was an interested party with the Melbourne Tramway and Omnibus Company if the lease were carried out.

832. It was in consequence of this statement from Mr. Proudfoot that you referred to the matter in Parliament, and Sir Henry Parkes then gave a distinct promise that it should only be done with the sanction of Parliament, and only by tender? Yes.

833. After the tenders were called for, and the question of the leasing of the trams took that form, are you aware, of your own knowledge, of any attempt in any shape or form to bribe or interfere with any Member of Parliament? None whatever, except as regards what I heard in Parliament from Mr. Haynes and Mr. Carruthers.

834. You are aware of nothing except what they said? No.

835. And you are only aware of that from what they said? From what I heard in Parliament. No one ever spoke to me about it in any shape or form except Mr. John Woods, who asked me on one occasion if I would use my influence to get a company with which he was connected the lease of our tramways, to which I replied that I was opposed to the leasing of the trams. Mr. Woods then said to me, "Suppose it comes to a competition between a Sydney and a Melbourne company, which would you go for?" I said, "Certainly, as far as I could fairly do it, I would give my assistance to enable a Sydney company to have the preference over any Victorian or other company, as long as the terms were favourable." Mr. Woods then assured me that he was promoting a company entirely in the interests of Sydney capital. I said to Mr. Woods, "I believe you are connected with the Melbourne Tramway and Omnibus Co.", and he said, "No, it is entirely Sydney capital." On my way to Melbourne, shortly afterwards, I met Mr. Andrew Rowan, who is connected with the Melbourne Tramway Company, and he asked me in the train what I thought about leasing the trams, and I said I had not given the matter any thought at all—had not bothered much about it. I said, "You have no chance of getting it." He said, "Why?" I said, "There is a strong Sydney syndicate tendering for it who are sure to get it." He said, "Who are they?" I said, "Mr. John Woods is the principal man in it." Mr. Rowan then told me that Mr. John Woods was acting for the Melbourne Tramway and Omnibus Company. That is the only conversation I had with anyone about it in any shape or form.

836. *Mr. Lamb.*] When you referred in the House to the statement made to you about the promise to lease the trams on the part of the Government, did Sir Henry Parkes deny that such a promise had been made? Yes; he said it was untrue. I got a distinct promise from the Government that the tramways would only be leased subject to open competition by tender, no favour being given to anyone.

TUESDAY, 15 JANUARY, 1889.

Present:—

C. E. PILCHER, Esq., PRESIDENT.
 E. W. KNOX, Esq., | A. LAMB, Esq.

THE PRESIDENT IN THE CHAIR.

James Burns, recalled, and further examined:—

837. *President.*] There is one matter that we did not know of at the time we examined you before, Mr. James Burns. It appears that there was a negotiation between your syndicate and the Sydney Omnibus Company's syndicate, with a view to an amalgamation? Yes; there was an interview one day down at my office.

838. Who was present at that interview? Mr. Cain, from Melbourne, Mr. John Woods, Mr. Cowlishaw, and myself.

839. You and Mr. Cowlishaw, I see by the minutes of your syndicate, were the two gentlemen deputed to enter into that negotiation? I did not know that we were deputed.

840. It is so? Yes; they expressed a desire to meet us.

841. I think the words are that you should "approach them." However you were deputed to carry on that negotiation with this syndicate? We did so, at any rate.

842. What took place at that interview? Very little took place.

843. Tell us what it was? Mr. Cain and Mr. Woods came in, and Mr. Cowlishaw was there. I asked them if they had any proposal to make, and both Mr. Cain and Mr. Woods made some sort of a proposal; but it was not at all clear to me. I could not well understand the proposal they did make. After they left I said to Mr. Cowlishaw, "I did not know what really brought them into the office to interview us," because there was nothing tangible in what they said, as far as I remember. The meeting did not result in anything at all. I could not really tell you exactly what was said. There was some round-about proposition that we would not suffer if they got the contract, but there was nothing definite put before us.

844. Was there any proposal that they were to participate in your shares to any extent? I remember asking whether they were inclined to come in with us, and they said, "No; on no account," that if there was any junction we must go in behind them. I think those were the exact words that Mr. Cain used. I said that we were acting for a large body of shareholders, that we were a public company, and that we could not go behind anybody; but that it was possible, if they joined us, that we might arrange among ourselves, so as to strengthen our chance of getting the trams to give a certain proportion of what we held. There was some proposition of that kind, I think; but I would not be sure.

845. Such a conversation might have taken place? Such a conversation might have taken place.

846. That is, if they joined you that they would participate in your shares, your shareholders contributing to make up the quantity they would require;—that might have taken place? If it did not take place it was in our minds. I remember before the interview asking one or two of the largest shareholders if they would mind halving their interest. I said that I was willing to give up a portion of mine to the Melbourne people if they came to us, and they said they would give a proportion of their interest. But we never came near any understanding at all; they simply said they would not come behind us, and I said that I did not see how we could go with them, that we were tendering on our own account, and must tender, and would tender. I think that concluded the conversation.

847. Can you tell me at that time how many unallotted shares you had? I think it was about 30,000. I have not the documents here to refer to; but some small amount, I believe.

848. At that time there were 24,000 unallotted shares? There was a small portion of unallotted shares, which, as I have explained, was purely accidental.

849. Did you, in your syndicate, retain or reserve, or set apart any number of shares, so that Members of Parliament might come in and apply for them after the matter had gone through Parliament? Such a thing was never contemplated, as I have already told you.

850. Do you know Mr. Kelso King, the Manager of the Mercantile Mutual Insurance Society? I cannot say that I know him. I remember a Mr. Kelso King coming into the office one day. That was the name upon a card handed me, I believe.

851. Do you know him? I would not know him if I saw him.

852. You know the gentleman to whom I refer, the Manager of the Mercantile Mutual? The name is familiar to me.

853. You say you remember him coming to your office one day? I fancy he came in one day.

854. What was that about? Well, it is a long time ago. I think it must be six or eight months ago.

855. Do you know what he came about? I fancy that it was something about some tram syndicate that he said he was organising. I think he mentioned Mr. Skarrat's name.

856. Or was it that he was acting for some gentlemen in another syndicate? I think he said he was representing some other syndicate, or was getting up a syndicate, or something.

857. And what did he come to you for, do you remember? I remember he gave several names. I think Mr. Walter Hall, Mr. Scarrett, and some other names were mentioned as being a party who were going to tender for the trams, and he said if their party would join ours would we be inclined to give them an interest, and, if so, what interest would we give. I fancy that was the tenor of the conversation.

858. Did you say what interest? Well it is such a long time ago that I could not recall the exact conversation. I fancy I said we might give them 100,000 shares, or something of that kind. At that time our own company was only in process of formation. It was rumoured that a company was getting up, and a good many people used to come to the office and say, "I hear that a tramway company is being formed; can I come in or have some shares?" In fact, as you know, the thing was never advertised. It was only floated by report, so to speak. The directors put their friends down and organized the company quietly, without getting any written applications. I do not think that any written applications were received.

859. And you say you are under the impression that you said you might give them 100,000 shares? I fancy that at that time, when we were forming the company, I did say something to that effect, and that

James Burns. Mr. King said it was not enough and went away. I do remember a gentleman coming in. Kelso King, I think, was his name. I had never seen him before, and I do not think I have ever seen him since. He 15 Jan., 1889. explained either that he was organizing or representing some other syndicate, and said, "Supposing we were to join you, would you be inclined to give us an interest; or have you got any interest you can allot to us?" At that time I do not think the company was registered; I am sure it was not.

860. Did he mention the syndicate he was representing? As far as I remember he mentioned several names.

861. He did not mention any syndicate? Well, he might have called it a syndicate or a company; it was a party.

862. What I mean is, did he give it a name—did he call it the Sydney Omnibus Company? No.

863. The names he mentioned were Scarrett's and Hall's? Yes; those are the names retained in my memory as having been mentioned. There was always a doubt in my mind as to whether this Melbourne Company embraced these parties whom Mr. King professed to represent at that time, or whether they were a different party. In fact I do not know to this day whether or not they were distinct parties.

864. Did you say to Mr. King that your company were reserving 100,000 shares for Members of Parliament to come in and apply for after the matter had gone through Parliament, if they chose? I could not have said such a thing.

865. As a matter of fact did you? No. It would have been quite impossible.

866. I may tell you that Mr. King said you did. Does that shake you at all—do you still adhere to your former statement? I do. I do not see how it is possible that such a thing could have passed. There has been much discussion and rumour about this thing, and it is so long ago, that Mr. King may have mixed up some other conversation or some rumour or report with what he heard from me. That seems to me the only explanation.

867. But having been told that Mr. King says you did say that, do you still adhere to your statement that you said nothing of the sort? I still adhere to my statement that it would have been quite impossible for me to say it.

868. But quite apart from the impossibility, did you, or did you not, say it? I did not say it, decidedly.

869. Could you tell me this:—You remember Moonie and party amalgamating with you, and taking 120,000 shares; was it before or after that amalgamation that this conversation took place with Mr. King? I fancy it was before. It seems to me a more remote period, because if you had not mentioned it now I should never have remembered that I ever had any interview with a Mr. King.

870. So that in point of fact, if it was before, at the time you had the conversation with Mr. King about 140,000 odd shares were unallotted? The possibilities are that at that time we might have had half a million. I think that at that early period we must have only been in process of formation, and talking about forming a company. If, however, we had at that time only 140,000 shares left, and had given Skarrat's party 100,000, then we could not afterwards have amalgamated with Moonie and party, as we would only have had 40,000 shares left.

871. Can you say whether or not the conversation with Mr. King was a day or two before the registration? As far as my memory serves me it was a considerable time before the registration. It appears to me to have been some months before registration.

872. Mr. King said, "What took place between you and Mr. Burns"? It was really a conversation, in which I was not at liberty to bind anybody. I did not tell him whom I represented, or anything of the kind. I simply told him that I did represent members of a company who had tendered for the trams, and I was there by invitation. He asked me what proportion

873. Then he went on to say that he understood they were not to be a present in any way at all; but that Members of Parliament were to be at liberty to come in and apply for them. He said his impression was that you had friends in Parliament that you wanted to protect in that way? I think that Mr. King has made a great mistake. He must have imputed these words "Members of Parliament" to me. As I have explained, the company, as far as I remember, was in process of formation. I had written to a good many people. I had a cablegram from a friend in London asking about these trams; and I intended to try and reserve some of my own shares for him.

874. Who was the friend in London? I had a cablegram from Mr. Dawes, of London, asking about the trams.

875. You mean with a view to securing an interest? I do not know with what view; but I remember cabling to Mr. Dawes, in answer to his cabled inquiry, stating that there were parties both in Sydney and in Melbourne intending to tender for the trams. I thought Mr. Dawes might like an interest, and I never anticipated holding all my own shares. I had written to several friends, who have since taken an interest with me, and I may possibly have said to Mr. King that I had reserved some shares for my friends; but I cannot possibly see how he could have twisted that round to Members of Parliament, for I have, with perhaps one exception, no friends Members of Parliament. I do not think I know more than five or six Members of Parliament to speak to altogether.

876. Do you now then state positively that you did not say what Mr. King attributes to you, that is, that you had reserved 100,000 shares for Members of Parliament, even in the innocent way that he says he understood you to mean; do you positively say that you did not say that? I say positively that I could not have said such a thing.

877. And that you did not? And that I did not. It would not be possible for me to say such a thing. He must have misinterpreted my meaning, or, hearing rumours afterwards, inadvertently imputed them to me.

878. I think I asked you before did Mr. Huntley ever mention any such proposal to you or to any of the directors—any proposition about reserving shares for Members of Parliament? I could not say what he said to other directors; I do not remember his having proposed it to me.

879. You never heard it? I never heard it.

John Woods, recalled and further examined :—

880. *President.*] I believe that you and Mr. Cain met Mr. Burns and Mr. Cowlishaw with reference to a proposal to amalgamate your two syndicates? Yes. J. Woods.
15 Jan., 1889.
881. Can you tell us what took place at that meeting? Nothing took place except that they were anxious that we should amalgamate, and we refused to have anything to do with it. What Mr. Cain said was this—I sent my letter to say—it was this—"Gentlemen, go on; our lines are settled, and if we get it we will give you a show. If you get it at a price that will satisfy us we will take an interest in it." That was all the conversation. Mr. Burns said, "Will you put it in writing?" Mr. Cain said, "No, gentlemen; our lines are laid down, and we will follow it out."
882. *Mr. Lamb.*] How did the interview come about;—did you go to them, or did they invite you to go? I think Mr. Cowlishaw and I had a chat one day in Pitt-street as we were coming from a Board meeting.
883. It was a sort of mutual meeting? Yes.
884. *President.*] Was anything said at that interview about any shares having been reserved for Members of Parliament by anyone? No, not a word.
885. Either by Mr. Burns, Mr. Cain, Mr. Cowlishaw, or yourself? Not a word.
886. To your knowledge, was any such thing ever done either in your syndicate or in the N.S.W. Tramway Co.? I know nothing about the N.S.W. Tramway Co.
887. To your knowledge, I mean? Not to my knowledge.
888. Nor from information? Well, you know you hear a lot of rumours.
889. I do not mean rumours—I mean authoritative statements from any member of a syndicate? Not one—nothing of the sort. We parted upon that, and walked away saying, "Gentlemen, you take your course; we will take ours."
890. Was this interview about the proposed amalgamation carried on in a friendly way, or did you get to high words? It did not occupy five minutes altogether.
891. Did you get excited about it at all? No.
892. None of you? No.
893. Mr. Cain, for instance? It would take something to excite Cain.
894. It was not a stormy interview at all? Oh, dear no; I have always been on the most friendly terms with Mr. Burns. I look upon him as one of our best citizens.
895. Yes, but you know that in business you may get excited with your best friends? It was not so on this occasion. All that passed I have told you to the best of my recollection. Several people wanted to see me about amalgamating and that kind of thing, but I said, "No; I am not going to have anything to do with anybody but my Melbourne friends. We have got the patent, and I am going to be connected with men who understand what they are doing." Of course we were met at the corners of the streets by dozens of people asking, "What are you going to do about the trams?" and "What are you going to do about this or that?" but I did not bother about that; I made up my mind to one course—to protect the Omnibus Co., and get the trams, if we could, by fair means; if we did not, to let it go.
896. You have told us with whom you were associated in the Sydney syndicate;—is it true that you stated that your associates in that syndicate were all Sydney men? No.
897. Did you tell Mr. McElhone that? No, I did not. I will tell you what I told Mr. McElhone, as far as my memory serves me. I was going along George-street and I met him at the corner of the street. I had just come over from Melbourne. McElhone said, "You have been to Melbourne?" I said, "Yes." He said, "Have you been working about these tramways?" I said, "Yes, I have been down settling the matter." He said, "Is the Sydney Omnibus Company in it?" I said, "Yes." He then asked, "Is Mr. Duncan in it?" I said, "Mr. Duncan is not, except as engineer of the Company; he is to be employed to put down the trams if we get the lease." That was all the conversation that took place between Mr. McElhone and myself.
898. And you did not tell him that you were only associated with Sydney capital? No, certainly not. How could I do that?
899. Can you tell me whether any Minister of the Crown in this Colony had any interest in any shape or form in the syndicate with which you were associated? None whatever. No man living had any interest in the syndicate except those whose names I gave to you.
900. Or had any Minister any promise of an interest? No.
901. Or was there any understanding that any Minister, in any way whatever, could at any time acquire an interest? Not to my knowledge.
902. Did you ever hear of such a thing? No; the thing was never discussed before the syndicate.
903. Specially I ask you the same question with reference to Mr. Clarke and Mr. Inglis? I told you the other day, and I repeat the same thing now.
904. Is there a word of truth in the suggestion that either of these gentlemen was in any way, at any time, under any circumstances, to acquire an interest in your syndicate? I do not believe there is the slightest word of truth in it.
905. Do you remember a promise being made in the House by Sir Henry Parkes that before anything was done with regard to leasing the trams a Bill would be introduced, and tenders would be called for? I do.
906. Before that, do you remember some negotiations going on between the Government and any body of gentlemen in Melbourne with reference to the leasing of the trams? There were no negotiations excepting a letter from me to Mr. Goodchap.
907. That is contained in the printed correspondence? Yes.
908. And then there was that interview you spoke of with the Colonial Secretary which took place in this building? Yes.
909. And that is all that took place? Yes.
910. Can you say about when that was? It is nearly eighteen months or two years since my first letter to Mr. Goodchap appeared.
911. The syndicate with which you were connected we have called for convenience sake the "Sydney Omnibus Company's syndicate," but I believe that as a matter of fact it was a Melbourne syndicate, and that you were the only Sydney man in it? Yes; I was the representative in the syndicate of the Sydney Omnibus Company, and the Melbourne gentlemen represented a Melbourne syndicate.

George M'Leod Matheson, M.P., called in, sworn, and examined:—

- G. M'L.
Matheson,
M.P.
- 15 Jan., 1889.
912. President.] You are a Member of Parliament? Yes.
913. And you are also, I believe, a member of the firm of Smith and Matheson, brokers? Yes.
914. You know of the proposal of the Government last year to lease the tramways? Yes.
915. Do you remember the occasion when Sir Henry Parkes stated in Parliament that the trams would only be leased with the sanction of Parliament, and only by public tender? No; I do not remember that particularly.
916. Not even by hearsay? I remember reading of it in the newspapers.
917. You remember the circumstances occurring? My impression is that he did say so several times.
918. Prior to his making that announcement, do you remember any negotiations pending between the Government and any one, or any negotiations going on, with the view of the leasing of the trams? No.
919. Either of your knowledge or from hearsay? No; I do not know anything about any transactions or any negotiations going on at all. I do not know anything about them.
920. Prior to that? Prior to that.
921. Do you know of any negotiations about eighteen months ago? No.
922. Or twelve months ago? No.
923. When did your first knowledge of the leasing of the trams arise? Well, I heard it talked of generally, and I saw of tenders being called for by the Government; that is all.
924. Was it then about the time you saw that tenders were called for that you first became aware that the Government were negotiating for the leasing of the trams—I mean that the Government contemplated leasing the trams;—was it about that time? Except that I had heard of it and read of it in the newspapers, that is all.
925. For how long before tenders were called? For as long as they were talking of it in the newspapers; because I read the newspapers pretty regularly.
926. About how long? I should think I have heard of it for the last year almost.
927. Except what appeared in the daily papers, did you know anything about the matter at all until the tenders were called for? No; I think I may say certainly not.
928. Do you remember being at the White Rock Silver-mine with a Mr. Proudfoot, he being one of the company? Yes.
929. Was he there more than once? I think he was only there once. He was only there once with me at any rate.
930. Do you remember his making any reference on that occasion to the leasing of the trams? Yes, perfectly well, several references.
931. What did he say? Well, it is a very long time ago, and I really took very little notice of it; but the substance of it I know pretty well. I should like to make a statement about this. The fact of the matter is this: We were floating the White Rock, and a certain gentleman applied for a thousand shares. We gave a picnic up to the White Rock, and this gentleman was asked and accepted the invitation. He afterwards came and suggested that Mr. Proudfoot should go instead of himself, as he could not leave town, and Mr. Proudfoot was then included in the invitation; so that he was there as my guest, as it were. He was continually speaking about the trams—what a good thing they would be to get hold of, and so on—and he became a regular nuisance at last. I went up there really to float the White Rock; I did not want to go up and talk about anything else. He became a perfect nuisance to me, constantly talking about it, and I said to him, "Oh, it is all right. You need not bother your head any more about the trams, the whole thing is fixed up." He came to me and said, "Is that the case, Matheson?" and I said, "Oh, yes; only the lease remains to be signed," or something of that sort. Then afterwards when I quarrelled with Mr. McElhone, and I suppose he was looking about for something to damage me, he one night in the House said that he had heard that a recent visitor to the White Rock had been told by a Member of Parliament that the whole thing was fixed up. He said, "Very likely the Member for Glen Innes knows something about it." Well, so little had I thought about this that I really did not understand his reference at the time, and it was some time afterwards before I really knew what McElhone meant about the matter, and I thought it was just as well to let the matter slide. Further than that we had no conversation about leasing the trams, nor were any remarks made whatever.
932. Do you remember when that trip to the White Rock took place? I could not tell you, but it was before we put it on the market.
933. Do you remember the month? It must have been about eight months ago. It was before the prospectus was published in the papers.
934. When you made use of the expression with reference to the leasing of the trams, did you then know anything at all about the leasing of the trams? No, nothing, except what the whole public know.
935. What was that? Simply that it was talked of.
936. You mean that it was talked of as an intended thing? Well, I really may say that I knew nothing about it.
937. The talk amongst the public was that it was an intended thing? I would not like to say now what I did know; but seeing that I never knew anything worth talking about, I could not have known much.
938. There is no doubt that it was talked about then as a contemplated thing? As a thing that was moving some way or another. It is my impression that I just had that general knowledge and nothing more.
939. But did you know in any way whether or not it had been fixed up? No; I did not know anything.
940. Or that any negotiations or arrangements had been made between the Government and anyone? No, certainly not. It was merely to shut his mouth that I said it to him. I said it to him in an off-hand way. After the first time I said it to him he came back and asked me if it was true, showing that I really said it more in a joking manner than anything else.
941. Then you made that statement to him to shut him up? That is exactly what I said it for.
942. Because he persistently bothered you about the trams? Yes. I did not like the man, and I did not want to have anything to do with him.
943. He seemed to have trams on the brain, and was interfering with your business, and you told him this to put an end to his chatter about the trams? Yes.

941. And you say distinctly, so far as the truth of the statement is concerned, that you knew nothing about it? I knew nothing about it; and, moreover, as a Member of Parliament I did not want to have it even suggested that we would go in for the trams. I did not see that there was much in it, and I did not know anything about it.

G. M.L.
Matheson,
M.P.
15 Jan., 1889.

David Proudfoot called in, sworn, and examined:—

945. *President.*] What are you? A railway contractor.

D. Proudfoot.

946. Do you know Mr. McElhone? I do.

15 Jan., 1889.

947. Had you any conversation with him with reference to the leasing of the trams? I had.

948. When? In February, 1888.

949. Where was it, do you remember? That I do not know.

950. In Sydney? In Sydney.

951. What took place? I think I sent Mr. McElhone a report of what I had to say upon the subject.

952. Just tell us what you said; what took place between you? What I told him was this; that on the occasion of my going to the White Rock silver mine I remarked to Mr. Matheson, a Member of Parliament, that I thought there was something equally as good, if a fair concession could be obtained, as the silver mines that were now being boomed. He asked me what it was, and I replied, "The city of Sydney and suburban tramways, if a fair and liberal concession could be obtained." To that Mr. Matheson replied that the whole thing had been settled; that it had been agreed between the Government of New South Wales and the Melbourne syndicate to let the Melbourne Company have the tramways.

953. Did he say that? He said so to me in the railway carriage going to White Rock. I said, "Nonsense," but he said "Oh, yes." I told him I could not believe it. He corroborated it by saying that he voted with the Government or words to that effect, and that he knew all about it. On my return to Sydney I had occasion to call upon Mr. Matheson, and I asked him if he still maintained the statement he made to me on the way to the White Rock, and he said "Yes, he had been to the Government buildings and ascertained that the whole thing was settled."

954. He said he had been to the Government buildings? Yes; the reason of his having to go to the Government buildings was this: I had expressed a doubt coming down about their being let, and he said he would go, but he was certain they were—that it was all cut and dried.

955. Is that all you told Mr. McElhone? No, there was something more. I had occasion to go to Broken Hill, and on my way to Broken Hill I called upon Mr. George Duncan, the engineer for the tramways of the city of Melbourne and suburbs, not in respect to tramway business in any shape or form; but after my business was over he told me that his company, the company he was working for, had got the tramways of Sydney.

956. Mr. Duncan told you? Mr. Duncan told me. "Well," I said, "I did hear something about it in Sydney, that they were let, but I could not believe it, and I do not believe it now." "Oh," he said, "it is a settled fact; all the details have been agreed to, and it simply remains for the agreement to be drawn up." I doubted it, but he said, "I am speaking from what I know as a fact, because I am one of the syndicate." He had no reason to tell me anything but what was correct, because he was a young fellow who had learned his profession on my contracts in New Zealand, and it came voluntarily from him. I made no inquiries. On my return from Broken Hill I made a note of the conversation and sent the whole purport of the affair down to friends here to try and stop such letting of the tramways. As a railway contractor and promoter of these things I thought it was rather too much for the Government to give away without public competition, and I wrote out a sketch of the whole affair and forwarded it down here, but no action was taken, and I ultimately gave it to Mr. McElhone.

957. Was this before or after you saw Mr. Matheson? After.

958. And your authority for that statement is Mr. Duncan? Mr. Duncan and Mr. Matheson.

959. But the statement you have just given? Mr. Duncan.

960. What Mr. Duncan is that? Mr. George Duncan. He is engineer for the Melbourne city and suburban tramways.

961. He is a gentleman who can be found in Melbourne? Oh yes; he is the engineer for the tramways there.

962. What time was it when you saw Duncan, and he told you that he had the lease? In the month of January or February. He did not tell me they had the lease; but that all the details had been settled, and nothing remained but to draw up the agreement.

963. Did Mr. Duncan say who had negotiated it? He told me some of the names in the syndicate—names familiar to myself.

964. Melbourne gentlemen? Yes. Jenkin Collier, William Cain, Andrew Rowan, and one or two I forgot.

965. Mr. Robertson, of Wagner and Robertson? I think so.

966. Did he mention who had negotiated the matter on behalf of the Government? No; I don't remember.

967. Did he mention any member of the Ministry? Well, I am not sure upon that point. I believe he did; but I would not like to say. I believe that a member of the Ministry was mentioned; but I am not positively sure upon the subject.

968. Did he make any statement compromising a member of the Ministry in any way at all? There was a slight allusion made to a member of the Ministry, I believe; but I do not know whether it would go so far as to compromise a Minister.

969. What was the statement? The statement was that he thought Mr. Clarke had something to do with it.

970. To do with what? To do with the tramway concession.

971. That is you mean? The concession to the Melbourne Company.

972. The negotiations for the granting of the lease? Yes.

973. He thought Mr. Clarke—what Mr. Clarke? The Minister for Justice.

974. Had something to do with it? Yes.

975. In what way did he think he had something to do with it—I mean from what he said? That I do not know now.

- D. Proudfoot. 976. Was it that he was the gentleman who negotiated the matter, or that he had an interest in it? I inferred from what was said that he had an interest in it, not that he negotiated it.
- 15 Jan., 1889. 977. Are you clear about that, or is it only an impression? It is merely an impression. I have not a copy of what I did write out then, and I have been trying to think over it, and it is merely an impression of mine.
978. Is the whole thing an impression as to Mr. Clarke's name being mentioned? No; I think his name was mentioned.
979. *Mr. Lamb.*] When you say you have not a copy of what was written, you mean a copy of the letter written to Mr. McElhone? Yes.
980. *President.*] Then, except what Mr. Duncan told you and what Mr. Matheson told you, you know nothing at all about it? Nothing whatever.
981. You are simply repeating to us what they told you? It was simply hearsay. I saw Mr. Matheson the other day, and this is also only hearsay. He told a friend of mine—Mr. Watkin.
982. Were you present then? No; I was not present.
983. In consequence of something Mr. Watkin told you, you spoke to Mr. Matheson? Yes; in Pitt-street.
984. What did you tell him? I told him that Mr. Watkin had told me that he (Matheson) had said that I had committed a breach of confidence in relating a conversation about the leasing of the tramways when going up to the White Rock with him. I said, "There could have been no breach of confidence. You gave it to me in the railway carriage, and you did not say anything whatever about it being confidential; and on your return to town you went to the Government buildings and told me, as a result, that the whole thing was settled—that there was no chance." I said, "I would sooner cut my arm off than commit any breach of confidence, if you had made me the statement in confidence."
985. What do you mean by the Government buildings? The Works Office, I presume. Matheson then replied, "I was quite correct, they were let," then—"all but let."
986. When was this? Just the other day—two or three days prior to the tendering. I asked him, "How could there be a breach of confidence; you, as a Member of Parliament, declaring that they were let, and the undertaking being one of such public magnitude?"
987. I want to know whether we are to take it that you have any recollection of Mr. Duncan's statements affecting Mr. Clarke, or whether it is an impression that you would not pledge your oath to? I would not like to pledge my oath to it.
988. It was merely an impression? Merely an impression I believe his name was mentioned in that way. I know that at the time Mr. Duncan thought very highly of the concession, and he told me freely about it, without my making any inquiries, and I suppose more so upon the ground that he had been in my employ for years.
989. Did you learn from Mr. Duncan at all who had negotiated the matter of the intended lease? I fancy it was the Melbourne people.
990. Who negotiated on the part of the New South Wales Government? That I cannot say.
991. Did he tell you? He may have; I cannot remember.
992. Do you remember whether he told you? No; I do not remember.
993. *Mr. Lamb.*] Who negotiated on the part of Duncan and his friends? I do not know; I could not say.
994. It was not Duncan himself? No; I do not think so. He was very emphatic about all the details having been settled, and that the only thing that remained to be done was the drawing up of the agreement. I committed it all to writing then and sent it over to New South Wales, and a copy of that writing I afterwards forwarded to Mr. McElhone.
995. He led you to believe that it was all settled as far as his friends were concerned, and as far as the Sydney Government were concerned? Yes, most emphatically.
996. You might have got a wrong impression;—he might have meant that it was settled only so far as his friends were concerned? What he led me to believe was that, as regarded this particular transaction of the trams, the whole thing, as far as the Sydney and suburban tramways were concerned, was given to the Melbourne syndicate.
997. *President.*] What month was this? January. We went up to the White Rock in January, and in the same month I went up to Broken Hill, via Melbourne. I know that I was in Melbourne on 25th January.

G. M'Leod Matheson, M.P., recalled and further examined:—

- G. M'L.
Matheson,
M.P.
- 15 Jan., 1889. 998. *President.*] Where did the conversation take place between you and Mr. Proudfoot on the White Rock trip? I think at Drake.
999. Was it in the train or out of the train? It would be out of the train at Drake. I rather think it was on the road up from Drake to the mine.
1000. Did he ask you about it afterwards when you returned to Sydney? I do not think so. No; I am sure he did not ask me about it; at least, so far as I can remember.
1001. Did you ever go to the Works Office to inquire as to whether, in point of fact, any negotiations had taken place with reference to the leasing of the trams? No; that I am positive about; I never did that.
1002. Or did you ever tell Mr. Proudfoot you had done so? Certainly not. I have never had the slightest idea of interesting myself about the matter, and I certainly never did interest myself in the slightest.
1003. But apart from that, did you go to the Works Office to inquire? No.
1004. Did you tell Mr. Proudfoot you had been at the Works Office? No; certainly not.
1005. Do you know Mr. Watkin, of Robert Chalmers & Co.? I know the name.
1006. You do not know the man? As far as I know I never met the man. I do not know him, at all events. I remember now that I have heard of the man, but I do not know him; I never saw him in my life.
1007. Did you tell him at any time that Mr. Proudfoot had committed a breach of confidence in repeating what you had said to him? As far as I know I never met Mr. Watkin in my life, so that I could not have done so.
- 1008.

G. M'L.
Matheson,
M.P.
15 Jan., 1889.

1008. Quite apart from meeting him, did you tell him or anyone else that? No. Well, I would not like to say that; because I certainly think that, when a man is my guest, to go and repeat a conversation like that to Mr. McElhone was about as great a breach of confidence as you could have; because I understand now that he believed I was really telling him what I believed to be the case; and to go and repeat a thing like that to a man whom he knew was my enemy was a very dirty bit of business altogether. It was done merely for the purpose of injuring me, apparently, without doing himself any good. As far as I know, I never spoke to Mr. Watkin in my life, so that I could not have told him. At the same time, I had that feeling that Mr. Proudfoot had committed a breach of confidence; and if I had met Mr. Watkin—and I meet many men whom I do not remember again—it is quite possible I did say so.

1009. Did Mr. Proudfoot tax you with having said to Mr. Watkin that he had committed a breach of confidence? No, never.

1010. Only just about the time the tenders were called for? No; certainly not. As far as I know, I never said to anybody that I considered it a breach of confidence; at the same time I had that feeling.

1011. I am passing away from that;—I want to know whether Mr. Proudfoot told you? No; he did not.

1012. And did he tell you that it was not a breach of confidence, that it was a public matter, and that you yourself had told him that you had been to the Works Office and ascertained that it was true, and had told him you had done so? That conversation never took place between Proudfoot and myself.

1013. Did you also tell him that in point of fact he was quite right that the trams were leased? Certainly not. When was I supposed to have said that?

1014. About the time the tenders were called for? The thing is absurd. The trams were never leased, and how could I have said that he was quite right.

1015. Mr. Proudfoot says that on the road to the White Rock when in the train he spoke about the trams, and you said, "All that is settled; they are leased, and it only remains to have the contract signed"; that when he came back to Sydney he said to you, "Were you at the Works Office about that?" and you said, "Yes; I have been to the Works Office, and that is a fact";—now is that correct? No; it is not correct. In the first place, I am perfectly certain of this, that it was not in the train going up that I told him that; it was when we had left Tenterfield, and my belief is, that it was at Drake, or near Drake; and I certainly never said I had been to the Works Office, because I would not know where to go in the Works Department to get such information, and I certainly never did go to the Works Department about it.

1016. Do you still then adhere to your former statement? Certainly. My former statement gives exactly what took place.

1017. Do you know Mr. Duncan, engineer to the Melbourne Tramway Co.? No. I remember that Mr. Proudfoot told me at the White Rock excursion, that he expected to get some information from Mr. Duncan as to the probable cost of the construction of the tramways. The trip to the White Rock took place not more than fourteen days before the publication of the prospectus in the newspapers. The date of the prospectus was 4th February, 1888.

THURSDAY, 17 JANUARY, 1889.

MORNING SITTING.

Present:—

E. W. KNOX, Esq. (IN THE CHAIR.) | ALFRED LAMB, Esq.

James Matthew Toohey, M.P., called in, sworn, and examined:—

1018. *Mr. Knox.*] I believe you are one of the Members for South Sydney in the New South Wales J.M. Toohey, Parliament? I am. Esq.

1019. Have you any personal knowledge in reference to the charges which have been made concerning the alleged attempt to bribe Members of Parliament with regard to the leasing of the tramways? Not 17 Jan. 1889: the slightest.

1020. And you have had no interest yourself in any of the syndicates? Not the slightest.

1021. And you cannot give us any information on the subject? No.

AFTERNOON SITTING.

Present:—

E. W. KNOX, Esq. | A. LAMB, Esq.
CHAS. E. PILCHER, Esq., Q.C. (PRESIDENT).

THE PRESIDENT IN THE CHAIR.

Robert Bowman called in, sworn, and examined:—

R. Bowman.

1022. *President.*] What are you? A tea merchant, residing in Melbourne.

1023. What is your address? 26, King-street, Melbourne.

1024. How many years have you been engaged as a tea merchant? Upwards of twenty years since I 17 Jan. 1889: started; but I have changed my business since.

1025. I believe you were once a Member of Parliament in Victoria? I was a Member of the Victorian Parliament for nearly twenty years.

1026. Are you still a Member? No; I retired when I got into commercial difficulties, through mining, about three years ago. I retired of my own free will. I did so before filing my schedule. When I called a meeting of my creditors I was advised by a friend that the best plan would be to go insolvent, and accordingly I filed my schedule, and my creditors, representing three-fourths in number and value, signed

R. Bowman. signed my release. To show that I was never a fraudulent insolvent, I took the trouble to go to the Insolvent Court yesterday and obtained this attested copy of the certificate of release [Appendix B.] I 17 Jan., 1899. was never charged with being a fraudulent insolvent, and was never found guilty of any crime in my life.

1027. You were never charged in any way with criminal insolvency? Never. A trumped-up charge was brought against me when I was in difficulties, about nineteen years ago, the particulars of which are fully reported in the Melbourne *Argus* of 2nd December, 1870. A firm called Levy and Sons trumped up a charge against me, with the object of getting £80 out of me. I bought some goods from them a short time before I became insolvent. This was the first time I was insolvent, for I have been insolvent twice. The schedule was taken off the file, and I may say that I have only gone through the Court on one occasion. I ordered these goods, to the amount of £80, to be forwarded on to a certain firm in Maryborough, in Victoria—in fact, to one of my constituents—together with other goods to the value of £300 or £400 that I was sending up. The invoice was sent to me, and when I got into difficulties they attempted to make the parties to whom the goods were sent pay for them. The case came on, and they wanted to charge me with obtaining those goods under false pretences. There was not a scintilla of evidence that I bought the goods for any other person but myself. Levy and Sons were afterwards brought up for conspiracy in connection with this case, and the magistrates disagreed. The case lasted three days. The evidence in this trumped-up charge against me was all published, and none of my friends in Maryborough or Melbourne thought anything the less of me in consequence. I was never charged with any other crime, and I was never guilty of any crime in my life except that I was not able to pay 20s. in the £; and it is very hard that my name should be mentioned in *Hansard* in the way in which it was.

1028. As I understand, your estate was insolvent in 1869, and again about three years ago? Yes.

1029. It was with reference to the insolvency of 1869 that this charge was made against you by Levy and Sons? Yes.

1030. Did you obtain your certificate in the first insolvency? I did, or I should not have gone into business again. I obtained the certificate without the slightest opposition or trouble.

1031. This speech of Mr. Wilson's in Parliament also states that you have been tried for perjury? That is an infamous lie. I was never charged with perjury in my life, or with any other crime, except what I have told you about the trumped-up case with reference to the £80.

1032. At page 1232 Mr. Wilson is reported to have made this statement:—

On the word of a late Member of the Victorian Assembly, a man who has been tried for I do not know how many offences, a man to whom no one with any self-respect, knowing his character, would be seen speaking, a man who has been tried for perjury, for criminal insolvency, and I do not know how many other offences.

Have you ever had any charge brought against you either rightly or wrongly except the one you have referred to with reference to the £80? Never in my life. I desire to mention that all the evidence in the £80 case is reported in the *Argus* of the 2nd December, 1870. I refer to the conspiracy case in which they tried to get that money out of me. Levy and Sons were charged on the 7th December with conspiracy.

1033. What became of that charge? The case lasted two days in Court, and the Magistrates disagreed in the evening and finally they let them off.

1034. Mr. Knox.] Dismissed the case? The decision was, I think, that the Magistrates disagreed. I cannot tell you exactly, but I know they did disagree.

1035. President.] However, nothing more came of it? No.

1036. You did not take any further proceedings? No; simply because I had not the means. The case altogether cost me £400.

1037. Were you in partnership or trading alone? I was trading alone on both occasions.

1038. All those twenty years? No; I have had a partner. When I bought Brown and Reid's estate I gave Brown a small interest in the business. That is about twenty-four years ago. Then I had a partner called Georgeson, who was to have put £4,000 into my business, but he did not put a sixpence in, and I had to get quit of him.

1039. Is that all you desire to say about those statements of Mr. Wilson against you? I give them a flat contradiction. I am on my oath, and I distinctly say that I was never tried, and no one ever mentioned that I was guilty of criminal insolvency, or that I was guilty of perjury or any other offence, except with reference to the charge concerning the £80.

1040. Another statement by Mr. Wilson is to this effect:—

The whole charge was based on the fact that this outcast of the Victorian Parliament and of all decent society met the Honorable Member for Tamworth in Melbourne, presented him with his card, and introduced himself.

What do you say concerning that? I was never an outcast from the Victorian Parliament. I retired from Parliament voluntarily. I retired twice from Parliament, and when I came back I was returned again, and I was sitting in Parliament three years ago. I may say that I am a candidate now, and I am quite satisfied that I shall be returned for my old electorate.

1041. The two occasions on which you retired from Parliament were when you got into financial difficulties? Exactly so, and on no other occasion. I retired on both occasions before I sequestered my estate. I desire also to refer to a statement of Mr. W. J. Allen, reported at page 1295 of *Hansard*, to this effect: "That he was a friend and partner years ago of the Minister of Public Instruction." Mr. Inglis never was a partner of mine; he was an agent of mine in Sydney in the tea business. He sold tea, and I allowed him 10 per cent. commission.

1042. Is there anything else you would like to mention? Mr. Dibbs is reported to have said at page 1252:—

The extraordinary part of the thing is that Mr. Bowman was hanging about in the lobby of the Works Department, waiting to see his intimate friend, the Minister of Public Instruction.

I was not hanging about the lobby of the Works Department; I was only in Sydney two days altogether. I found that the Government had not published a copy of the tramway rolling-stock, and I went to the Public Works Department to see if I could procure a copy.

1043. You refer to the plant which, if your syndicate had got the lease of the tramways, they would have had to purchase from the Government? Yes.

1044. Whom did you see when you went to get that list? The Under Secretary, I think (Mr. Barling), and he said he knew nothing about the matter beyond what was in the *Gazette*; and I said, "It is a most remarkable thing; there must be a list of the rolling-stock somewhere."

1045.

1045. Did you take a card or letter to Mr. Barling? I took a note from Mr. Inglis to Mr. Barling.
1046. Do you remember the terms of that note? I do not think I read it.
1047. How did you obtain the note? I asked Mr. Inglis when I came over here what was the best way to get the information, because I was a stranger with regard to the public offices here, and he said he did not know what department it was in, but thought it would be in the Public Works Department, and he said, "I will give you a note to Mr. Barling." So he gave me this note. I don't think I read the note. I took it to Mr. Barling, and he said he knew nothing at all about the matter except what was in the *Gazette*; "But," he said, "I will inquire in the Railway Department," and after doing so he introduced a Mr. Badham to me, who showed me a list of tramway stock in manuscript, which I think ought to have been published. I had to engage a clerk and send him to make a copy of this list.
1048. Did you tell Mr. Inglis that your time was short? I told him that my time was short, and I was anxious to get away again.
1049. That you wanted to get the information as quickly as possible? Yes.
1050. And upon that he gave you this note to Mr. Barling? Yes.
1051. To facilitate your inquiries? Yes.
1052. Did anything else take place between you and Mr. Inglis? We had a conversation, and may have talked a little about business and the tea trade.
1053. But nothing about the trams? No. I told him that I came over here to see about forming a syndicate to tender for the trams, and that if I could get the information I desired it would facilitate my business very much; and that I came over specially for that purpose. When I went to see Mr. Inglis he gave me the note to Mr. Barling. When I was in Mr. Barling's office Mr. Clarke, the Minister for Justice, came in, and the papers were lying before me at the time; Mr. Barling had just handed them to me.
1054. What papers? The *Gazette* notices. Mr. Clarke, when he came in, looked over my shoulder, and said, "Hullo, Bowman," or something of that sort, "what are you doing here; are you going to tender for the trams?" I said I might, or something of that kind. I think I gave him an evasive answer, because I did not want anyone to know that I was here on that business at all, and I asked Mr. Inglis not to inform anyone, because I knew Rowan & Co. were tendering, and I knew Mr. Clarke was a friend of Rowan's, and I was very sorry that he saw me there. That was all the conversation I had with Mr. Clarke.
1055. What room was it that Mr. Clarke came into? Mr. Barling's room. It was stated in Parliament that it was at the Treasury, but as a matter of fact it was in the office of the Under Secretary for Public Works, to whom my note was addressed.
1056. Did you ever meet Mr. Clarke in any of the Treasury offices? No. When I met him it was in the presence of Mr. Barling. The statement in *Hansard* as to its being in the Treasury is a mistake.
1057. Are you quite sure that you never met Mr. Clarke except at Mr. Barling's office? I had met him before.
1058. But during your visit to Sydney on that occasion you only met him at Mr. Barling's office, and it was on that occasion that he said, "Hullo, Bowman, what are you doing here?" That is so.
1059. On the occasion of that visit to Sydney did you see Mr. Clarke anywhere except at Mr. Barling's office? No, I did not, neither at a distance nor to speak to.
1060. Did you see Mr. Inglis on more than one occasion during that visit? I saw him twice.
1061. One occasion you have told us of—when was the other? On the other occasion I met him at the Colonial Secretary's Office.
1062. What were you doing there? I went there because there were several things I wanted to get information about. Mr. Inglis could not tell me. He said, "I don't know who can tell you; I think the Colonial Secretary would be the only one who could answer the questions." Mr. Inglis did not know anything at all about the trams. It was not in his Department he said, and I said "They don't seem to know anything at all in the Public Works Department about it," because I had a long conversation with Mr. Barling, and I wanted to know when we tendered, about what time it would be handed over to us; because a Bill would require first to go through the House. There were seven or eight questions which I wrote out on a little bit of paper, about which I wanted to ask Sir Henry Parkes.
1063. Do you mean information as to what time would probably elapse between the acceptance of the tender and the handing over of the trams? Yes. I also wished to know how long the Government would keep the deposit which we intended to pay in cash.
1064. That is in the event of your failing to get the lease? Yes. After I had asked Sir Henry Parkes two questions he said, "Mr. Bowman, I think it would be advisable if you would put your questions in writing, and I will send you a reply." I said, "Thank you, that will suit me admirably."
1065. Did you put them in writing? I did not; we did not go on with it.
1066. As a matter of fact, you did not go on, and you did not tender? No; and none of my partners were interested in the tenders as far as I know.
1067. As I understand, the party with whom you were associated when you came to Sydney never tendered for the trams, and took no further steps beyond those which you took in Sydney? That is so. I made an attempt in Melbourne to join the Jennings' party, and with that object telegraphed to Mr. Parkinson, or I should say Pritchard.
1068. The question I asked you was whether the party with whom you were associated at the time you were coming over to Sydney ever tendered? No; they did not.
1069. Did you know Mr. Clarke at all before your visit to Sydney on that occasion? I knew him in Melbourne when he was quite a young man; in fact, when I was in business in Elizabeth-street. He was then an employee of Younghusband and Co.
1070. How long have you known him? Twenty-five years.
1071. Intimately? No; nothing more than that he was an employee in the same buildings, though not in the same office.
1072. What buildings were they? Brown, Stewart's.
1073. What office was he in? Younghusband's.
1074. What office were you in? I was in business for myself.
1075. You have spoken of a party with whom you were associated at the time you came to Sydney to get particulars about the trams; who were that party? The members of the syndicate which was to have been formed if the matter had gone on were the Hon. Thomas Bent, the Hon. John A. Wallace, member of the Upper House, John Turnbull, and Cushing. That is all, I may say, that agreed to go in. Lots of my friends were anxious to go in; but it was only certain people we would admit in.

R. Bowman,
17 Jan., 1889.

- R. Bowman. 1076. Those were the only gentlemen at that time associated with you? That is all.
1077. Was your syndicate actually formed then? No; it was not formed.
- 17 Jan., 1889. 1078. In process of formation? In process of formation.
1079. You had not formed; you were in process of formation. Had you agreed—the gentlemen you have named and yourself—upon anything in the way of capital or basis of subdivision, or anything of that sort? The only basis we had agreed upon was that it was to be five shares of £10,000 each to pay the deposit. After that we were to deal with it. I was to have a certain interest in it myself, and they were to have a certain interest, but the amount which each was to have was never stated.
1080. But amongst you you were to make up the £50,000 deposit? Yes.
1081. And your interest would be in proportion to the amount of money you found? Yes.
1082. Was that the state of what I may call your syndicate? That was the basis.
1083. And you say that after your visit to Sydney you ceased to exist? We were never formed.
1084. You took no more steps? Not after. I could not amalgamate with the Pritchard and Jennings party.
1085. After your visit to Sydney you tried to amalgamate with the Jennings syndicate? First of all we tried to amalgamate with Mr. Pritchard, whom I do not know, and never saw.
1086. You did not succeed in that? No.
1087. Then you tried to amalgamate with Mr. Jennings? Yes. I found that Jennings was the principal of the syndicate.
1088. You did not succeed with that? I had a meeting in Mr. Andrew Lyall's office in Melbourne, and we did not succeed.
1089. Then you let the matter drop? Yes.
1090. Had you spoken to any other gentleman, or had any other gentleman spoken to you, with a view of joining that syndicate—I will call it "syndicate," as a matter of convenience? I might, in confidence to some of my friends, have mentioned that I had a thing on, and would allow them to put £5,000 or £10,000 in. These are the only people that we consulted.
1091. Had you ever spoken to any gentleman in New South Wales, or any gentleman in New South Wales spoken to you about it? No. When I was over here I wanted to keep it as quiet as possible.
1092. Quite apart from that, did you, as a matter of fact, speak to anyone up here, or anyone up here speak to you? No.
1093. With reference to joining that syndicate or acquiring any interest in it? No.
1094. Did Mr. Clarke or Mr. Inglis, or either of them, ever have any interest in that syndicate? No; it never was intended that they should have, nor did they ever desire it.
1095. Had you ever spoken to them about it, with the exception of, on your visit to Sydney, telling Mr. Inglis that you were forming a syndicate to apply for the leasing of the trams? That was all.
1096. When you applied to him for information? Yes.
1097. Beyond that was there any conversation between you and Mr. Inglis or Mr. Clarke, or either of them, with reference to your syndicate? No, not a word.
1098. Now we come to that conversation with Mr. Levien. Do you know Mr. Levien? I had never seen Mr. Levien; I did not know who he was, until I met him in Melbourne, at Mentone.
1099. At the races? Yes. It was the race week in Melbourne. I could not tell you the day. It was the first meeting on the new racecourse.
1100. You cannot say the day? I cannot say the day.
1101. Can you say the month? It was either the end of October or the beginning of November.
1102. Last year? Yes. It was a few days towards the end or a few days after the first of the month.
1103. Where did you meet Mr. Levien first? At the Mentone Racecourse. A man named Pigott, who was a trainer, an old Sydney man who used to be a jockey, came up to me as I was standing with some friends at the end of the stand, and he said, "Will you allow me to introduce a friend of mine to you?" I said, "Who is he?" and he said, "Mr. Levien, of Sydney, a Member of Parliament, and has a very large practice as a solicitor." I said, "I have no objections;" so he brought Mr. Levien, and Mr. Levien asked me to have a glass of wine. That was all the conversation we had that day. I may have said to him, "I have just returned from Sydney," or something of that sort. I fortify that by a declaration from Pigott, to show that I did not seek Mr. Levien's acquaintance, did not know the man, and did not want to know him. [Appendix C.]
1104. That declaration was made before Mr. Harston? Yes.
1105. Is he a Justice of the Peace? Yes.
1106. And a law-stationer in Melbourne? Yes.
1107. Do you say that nothing more took place? Not as far as I recollect. I may have said, "I have just returned from Sydney," or something like that.
1108. Was this shortly after your visit in search of particulars about the trams? Within two or three days. I could not tell you the date unless I recollect the date of the races.
1109. After your return from Sydney in search of the particulars you spoke about? Yes.
1110. When did you see Levien again? The next time I saw Mr. Levien was on the Melbourne racecourse. He came up and spoke to me.
1111. Was that the Cup Day? I would not be sure that it was the Cup Day.
1112. It was at the Cup Meeting? Oh, yes.
1113. He came up and spoke to you, you say? Yes. I saw him repeatedly during the race meeting.
1114. You mean casual passing? Yes. He always came and spoke to me. I never went up to speak to him first.
1115. You say that he came and spoke to you; what did he say? He spoke about the horses and the racing, and one thing and another.
1116. Anything else? Nothing else took place then at the racecourse.
1117. Did you see him again at all? I met him at the Victorian Coffee Palace, in Collins-street, and the conversation about the trams came up.
1118. How did it come up; who mentioned it? That I could not tell you. I do not know who introduced the matter, but we were talking about the probable number of tenderers for the trams. I said, "As far as I know, there will only be three tenderers—Burns, Philp, & Company, Andrew Rowan, and the

the party associated with me." "Oh," he said, "there is another party; a man named Pritchard." R. Bowman.
 "Well," I said, "we would prefer going in with the Sydney party," passing the remark at the same time
 that I did not see that there was much chance of a Melbourne party getting it unless there was a Sydney
 party associated with it. He said, "Well, I will introduce you to Pritchard." I said, "Where is he?"
 17 Jan., 1889.
 He said, "Parer Brothers is where I think he is staying."

1119. Where is that? In Bourke-street.

1120. What is it—an hotel? Yes. "Well," I said, "I will try to see him," because we were just about
 collapsing, unless we amalgamated.

1121. You were just about giving up the idea of tendering? Yes. So I took a cab and went to Parer
 Brothers. Mr. Pritchard was not there, and had not been staying there.

1122. Did Mr. Levien go with you? No. I met someone from Sydney—I forget who it was—who
 told me that Mr. Pritchard had been staying, or was staying, at the "White Hart Hotel." I went up to
 the "White Hart Hotel," and found that he had left for Sydney. I sent him a telegram then.

1123. Do you remember the terms of that telegram? Asking him if he would amalgamate with our party,
 or to that effect.

1124. Did you refer him to any one up here? Yes.

1125. Who was the person? The Hon. James Inglis. We were sitting in Cushing's office, and I said,
 "It is very awkward I do not know this man."

1126. I do not know whether John Turnbull was there; I think he was; at any rate Cushing was there.
 "Well" he said "you had better refer him to Inglis." He knew that Inglis was a friend of mine, so he
 referred me to Inglis to let him know who I was.

1127. For what purpose? To let him know. He would not know me from Adam if I sent him a telegram
 with my name. Mr. Cushing said, "You had better refer him to Inglis." I said to Mr. Cushing, "Have
 you any friends in Sydney that you can refer him to?" Oh, he said, "You can refer to Mr. Inglis," so I
 just said, "See Inglis," or "refer to Inglis about our position."

1128. What do you mean by "our position"? With regard to our intending to come in.

1129. But how would Mr. Inglis know that? Because I told Mr. Inglis.

1130. Did you mention those names to Mr. Inglis? I think I mentioned that Mr. Bent was in it.

1131. Was this reference by the telegram to Mr. Inglis a kind of credential? A credential, so that he
 could refer to him whether I was a *bona-fide* tenderer or likely to be.

1132. But Mr. Inglis would not know that except from what you told him? That was all he could
 know.

1133. Just tell me why it was you referred him to Mr. Inglis; because, according to your statement, all
 you mentioned to Mr. Inglis was, "That I am getting a syndicate formed, and I intend to go in for this
 tram lease. Would you give me some note, as my time is precious, to enable me to get the information I
 require"? Yes.

1134. If that is so, I can understand that you simply referred him to Mr. Inglis to tell him who you were?
 That was all I did.

1135. That is quite intelligible, but if you referred him to Mr. Inglis for particulars about the syndicate,
 that is quite unintelligible? I did not refer to Mr. Inglis about the syndicate, but to let him know that
 I was a probable tenderer.

1136. You say you think you mentioned Mr. Bent's name? I think I did when getting information
 from him.

1137. You sent that telegram to Pritchard;—what took place then? I got a reply back from him to say—

1138. Have you a copy of the telegram you sent to him in the first place? No. (*Telegram subsequently
 read, see Q. 1147*)

1139. Have you the telegram you received from Mr. Pritchard? I have not got it; I thought I had it.
 (*Telegram subsequently read, see Q. 1148*.)

1140. What was the effect of it? "Party referred to; no authority to act." Something of that sort.
 He had misinterpreted my telegram. A copy of this telegram could be obtained from the Telegraph
 Office.

1141. The party referred to is Mr. Inglis? Yes.

1142. "No authority to act"? That was the meaning of it; those might not be the exact words.

1143. You say he misinterpreted your telegram—in what way? Inasmuch as he thought Mr. Inglis was
 in a position to amalgamate. I sent him a telegram, asking him to amalgamate. Then I saw Mr. Levien
 at the Coffee Palace. When I got this other telegram from Mr. Pritchard I went to see Mr. Levien, as
 he was going to Sydney. I saw him at the Coffee Palace, and then I went back, after talking the matter
 over with some of my friends, to see if we could arrange with Mr. Levien to manage the business with
 Pritchard for us as solicitor, and I went to the railway station.

1144. To manage what business? To arrange the amalgamation of the two parties, each to put in
 £25,000.

1145. To see if you could get Mr. Levien as a solicitor to arrange an amalgamation between your party
 and Mr. Pritchard's? Exactly so. Mr. Levien had left the Coffee Palace and I followed him to the
 railway station and saw him in the carriage. The compartment was full of people. I told him exactly
 what I wanted, and I brought my card out and put my address upon it. "Now," I said, "I may
 telegraph to Mr. Pritchard to meet you on the arrival of the train at Sydney." He said "Very
 good," and I said, "If he does not, perhaps you will see him." I gave him my card then, and not in
 Collins-street, as has been stated. I never gave him my card until he was going to Sydney. When I
 went down into the city that evening or the following morning I met Mr. Lyall, and I was speaking to
 him about the syndicate, as we have been mixed up in several things together, and he said that Jennings
 was the man in that syndicate and that he was coming over here. I said, "Could you arrange an
 appointment with Mr. Jennings? I was just going to send a telegram to Pritchard and one to Levien." He
 said, "I may tell you that Mr. Pritchard was only admitted into that syndicate last week. Mr.
 Jennings is the man who formed the syndicate." Mr. Lyall made an appointment on the following day
 at his office, and I went down and met Mr. Jennings.

1146. You left off by referring to the telegram you got from Mr. Pritchard, in which he said, "Party
 referred to has no authority," or words to that effect, and you said that he had evidently misinterpreted
 your telegram;—how had he misinterpreted it? He misinterpreted it in this way: he thought, when I
 referred

R. Bowman. I referred him to Mr. Inglis, that I intended that gentleman to arrange for the amalgamation, which was a mistake; there was no such intention. In the telegram I simply referred him to Mr. Inglis for a sort of credential, and to show that we were likely to be *bona-fide* tenderers.

17 Jan., 1889. 1147. Can you tell us the exact wording of your telegram to Mr. Pritchard? I find that I have the telegram here, and it is as follows:—

— Pritchard, Esq.,
10, Victoria Chambers, Castlereagh-street, Sydney, 12 November, 1888.
Honorable Thos. Bent, Honorable John Alston Wallace, and friends going to tender for tramways. Goodchap recommends join forces equally with your party, then only one tender to contend against. You can consult Honorable James Inglis, Minister of Instruction, about us. Strictly confidential. Reply quickly.

ROBERT BOWMAN, 26, King-street, Melbourne.

1148. Have you the reply to that? Yes; it is dated the 14th November, addressed to R. Bowman, 26 King-street, Melbourne, and is as follows:—

WRITE definitely respecting tender. Gentlemen mentioned not in position to negotiate amalgamation. I cannot place offer before my company pending.

E. PRITCHARD.

1149. You referred in your telegram of 12th November to Mr. Bent and Mr. Wallace. Those are two of the gentlemen whose names you have already mentioned? Yes.

1150. And you have referred to a Mr. Goodchap;—who is he? The late Commissioner of Railways.

1151. Where did you meet him? I met him in Collins-street, near "Scott's Hotel." He is a friend of Turnbull and Cushing, and it was Cushing who instructed me to say that Mr. Goodchap recommended the amalgamation with Pritchard. Mr. Goodchap did not tell me so. The telegram was written in Mr. Cushing's office, and sent from there to the telegraph office.

1152. And it was upon Mr. Cushing's instructions that you made the statement about Mr. Goodchap? Yes, altogether.

1153. For what you know it may be utterly untrue? Yes. I had some conversation with Mr. Goodchap, but I did not mention anything at all about using his name in the telegram. I said to Mr. Cushing distinctly at the time, "Now, can you use Goodchap's name?" "Yes," he said, "in confidence."

1154. Who is Mr. Cushing? He is an American merchant and agent for the American mail-steamer. Mr. Cushing introduced me to Mr. Goodchap at "Scott's Hotel" as Mr. Bowman, who was a probable tenderer for the New South Wales trams, but I never went into any particulars with Mr. Goodchap about it.

1155. Did you have any conversation with him except a mere casual remark? A mere casual remark, nothing that I can repeat; that is, nothing that I can remember.

1156. No discussion about the trams in any way at all? No.

1157. And so far as you know this use of Mr. Goodchap's name may have been entirely without authority? It may have been so.

1158. And the representation made here with reference to Mr. Goodchap may be absolutely untrue for aught you know? It may for aught I know.

1159. After that reply from Mr. Pritchard did you take any further steps? I have told you that I met Mr. Lyell in the interim.

1160. He told you that Jennings was the real person? Yes, and I had an interview with Jennings instead of troubling any further with Pritchard. Mr. Lyell is an accountant, and I think he knows all Jennings' business. He told me that Pritchard was only admitted into the Jennings syndicate within the previous week, and that Jennings was the man and not Pritchard; then I had an interview with Jennings.

1161. You proposed to amalgamate, and he would not agree to it? Yes.

1162. And that was an end to that? Yes.

1163. And then your party fell to pieces? Altogether.

1164. Have you told us all that took place between you and Mr. Levien? Everything that took place with regard to the trams.

1165. Mr. Levien in his speech on page 1217 of *Hansard* said—"I was introduced to a gentleman of the name of Mr. Robert Bowman, of 26, King-street, Melbourne. He was a Member of the Legislature of Victoria, and a wine and spirit merchant. He said to me, 'I would like to see you to-morrow; I have something I should like to say to you'";—is that true? No; it is not true.

1166. "I wish you would come and speak to me"? No; I never said so.

1167. Did you say, "I will meet you"? I never made an appointment with the man in my life.

1168. Then he goes on to say, "The next day I met this gentleman, I think, in Collins-street"? I never met him in Collins-street in my life, except when I saw him in the Coffee Palace, when I tried to get him to act as solicitor to try and make an arrangement with Pritchard.

1169. Mr. Levien said, "The next day I met this gentleman, I think, in Collins-street." He said, "What I want to speak to you about was with reference to the leasing of the trams in New South Wales." Is that true? We had a conversation about the leasing of the trams, but made no appointment for the purpose.

1170. "I am working up a syndicate and I have got a good deal to do with it"? That is substantially true.

1171. "You are a Member of the Legislature of New South Wales, and if you will assist us you will have a good chance of being solicitor"? I never said so.

1172. "I said, I don't want the solicitorship of this business;—that is not my game"? That is not true; I never used such language.

1173. When you asked him as a solicitor to bring about an amalgamation with Pritchard, what did you say? He agreed to it. That was on the railway station in Melbourne.

1174. I understood that it was at the Coffee Palace that you had this interview about his acting as solicitor? No, it was at the Coffee Palace that I had the conversation with him regarding this man Pritchard.

1175. It was at the railway station then that you asked him as a solicitor to negotiate the amalgamation with Pritchard, and what did he say to that? He said he would.

1176. Was anything said about terms or remuneration? No, not a word.

1177. Simply that what he did was as solicitor? Exactly so. There was no understanding as regards terms or anything else. He was to act as solicitor in amalgamating the Melbourne syndicate with which I was connected and Mr. Pritchard's.

1178. Is that the understanding upon which he left you at the railway station? Yes; that was the R. Bowman time when I gave him my card.

17 Jan., 1889.

1179. Was there ever any proposal that he should be solicitor to the syndicate? No, never.

1180. And was there any proposal that he was to act as solicitor except in bringing about the amalgamation with Mr. Pritchard? That is all.

1181. Nothing else? Nothing else.

1182. You say it is not true that Mr. Levien said, "I don't want the solicitorship of this business. That is not my game"? I could not have said it to him, because I did not give him the offer.

1183. Mr. Levien, in his speech, goes on to say, referring to you, "He then said, 'I believe there is in New South Wales a gentleman named Pritchard who attends to things of this sort'";—did you say that? No.

1184. Did you at that time know that there was such a man as Mr. Pritchard? I never heard of him before.

1185. Who first mentioned his name to you? Mr. Levien.

1186. Did you ever have any knowledge of Mr. Pritchard by name, or in any other way, until Mr. Levien mentioned him to you? Not in the least.

1187. Did you say to Mr. Levien, "Do you think we could get him in"?—meaning Mr. Pritchard? I did not. I asked to amalgamate the two syndicates.

1188. Did you say this: "We have the Minister of Justice and the Minister of Public Instruction"? It is a most infamous lie. I never mentioned anything of the sort.

1189. Whether you said it or whether you did not, is it true that the Minister of Justice and the Minister of Public Instruction, or either of them, were at any time connected with you in any way in any syndicate or any parties, with the view to leasing the trams? No; it is not true.

1190. Or for any other purpose? No, except as regards my business relations with Mr. Inglis.

1191. You mean about the tea agency? Yes; nothing to do with trams. I never said he had anything to do with the trams. I may have said that Mr. Inglis was very kind in getting me information quickly, and allowing me to get away from Sydney on the second day.

1192. Did you tell that to Mr. Levien? I may have said that in conversation.

1193. You said, to use your own expression, that that statement of Mr. Levien is an infamous lie? Yes.

1194. Here is another expression;—did you say this to him, "We intend to reserve a good many shares for Members of Parliament; but it is the Opposition that we fear"? I did not.

1195. Is there a word of truth in the statement that you intended to reserve any shares for anybody—Members of Parliament or anybody else? Not a word of truth, either for Members of Parliament or any other persons.

1196. As a matter of fact at that time, what was the state of your share list? It was considered to be in five shares of £10,000 each.

1197. Had you interviewed any Member of Parliament at that time upon the question? Except when I spoke to Mr. Levien in Melbourne, and to Mr. Inglis in his own office, and afterwards at the Colonial Secretary's Office, and to Mr. Clarke when I saw him at Mr. Barling's office, I have not spoken to a Member of Parliament of New South Wales for four months.

1198. Those are the only Members of Parliament whom you have seen to your knowledge within the last three or four months? Yes.

1199. Have you ever spoken to either of them with reference to the probability of any Bill passing to authorise the leasing of the tramways? I never had the slightest conversation with them of that kind.

1200. Had you any knowledge of any shape or form of how their party would vote? Not the slightest.

1201. Did you ever make any appointment with Mr. Levien to meet him in Collins-street about trams? No; I did not.

1202. Anywhere? Nowhere.

1203. Near any corner or anywhere else? Nowhere.

1204. Is it true that you having made an appointment with him and he being a few minutes late he saw you going into a hotel and followed you in? No, I do not recollect ever being in a hotel with him in Melbourne.

1205. You said you met him at the Coffee Palace;—how did that come about? I lunch at the Coffee Palace every day, and I met him there. I was going past the place where he was and I might have inquired for him; I do not know; I think I inquired for him; and I found he was in a room; he was sitting writing when I went in.

1206. When you saw him writing what did you do? I went into the room.

1207. Was it then that you had the conversation with him which you have detailed? That is the time I had the conversation with him with regard to Mr. Pritchard.

1208. Was the meeting at the Coffee Palace by appointment? No, it was not.

1209. Had you ever an appointment to meet him anywhere? No.

1210. I understood you to say that you sent a telegram to Mr. Pritchard, which resulted in the way you have described, and that then you went to see Mr. Levien? Yes.

1211. Was that the time that you went to the Coffee Palace? No; I saw Mr. Levien at the Coffee Palace before. I went to see Mr. Levien when I went back, but he had gone to the railway station; but I followed him there.

1212. Before you sent the telegram to Mr. Pritchard did you see Mr. Levien at the Coffee Palace? Yes.

1213. How did that interview come about? I think I met him by accident; I do not think it was by appointment. I never made any appointment with Mr. Levien about the leasing of the trams.

1214. You met him where? At the Coffee Palace.

1215. By accident? By accident.

1216. What took place on that occasion? It was at the time he told me with regard to Mr. Pritchard.

1217. The time he told you that Mr. Pritchard was getting up a syndicate? Yes.

1218. What did you say to him? I said that we would amalgamate with Mr. Pritchard if he would with us.

1219. What did he say to that? He told me that Pritchard was here and that he would give me an introduction, meaning that he was in Melbourne.

1220. Then you looked for Mr. Pritchard and found that he had gone to Sydney? Yes.

1221. You went back to look for Mr. Levien, and found that he was gone? Yes.

1222.

- R. Bowman. 1222. Then you went to the railway station and found him, and gave him your card? Yes.
1223. *Mr. Lamb.*] Were those two interviews both on the same day? That I could not tell you. I met 17 Jan., 1889. Mr. Levien at the railway station, either on the same day or on the next day.
1224. *President.*] As I understood you, you first met Mr. Levien on the Mentone Racecourse, where you were introduced? That is true.
1225. At that time there was no arrangement as I understand between you and him to meet again? Not the slightest.
1226. The next time you met him was on the racecourse at Flemington? Yes.
1227. Nothing took place there? Nothing.
1228. Had you any talk with him at Flemington about the trams? Never, that I recollect.
1229. The next time you met him it was at the Coffee Palace? Yes. I may have had an appointment with Mr. Levien with reference to horse-racing, but never with regard to trams.

AFFIDAVIT.

The following affidavit was subsequently forwarded to the President of the Commission by Mr. Bowman:—
I, ROBERT BOWMAN, of 26, King-street, in the City of Melbourne, in the Colony of Victoria, tea merchant, do solemnly and sincerely declare as follows:—

1. I have read the speech of the Hon. James Inglis, late Minister of Instruction in New South Wales Parliament, as reported in the *Hansard*, under date of 18th December, 1888, p. 1247, in which it is stated:—"I took an agency from him when I started business here myself, which I held for some time, and did not think the agency was good enough. We were not satisfied with the terms on which Mr. Bowman was carrying out his pledges to us, and we gave up the agency of our own free will. From that until now—six or seven years—I have had nothing whatever to do with Mr. Bowman; I know nothing of him." And at p. 1248:—"I do not know much about him; I only know that I had some tea transactions with him six or seven years ago, and as they were not very satisfactory I gave up his agency."

2. The allegation that Messrs. Inglis and Brown gave up the said agency of their own free will is absolutely untrue, and without any foundation, and the fact is that I withdrew the agency from them because I was not satisfied with the manner with which they conducted the same.

3. The allegation that from the time Messrs. Inglis and Brown ceased to act as my agents he, the said James Inglis, had had nothing to do with me for six or seven years is also untrue; and I say the fact is that my agency with the said firm commenced on January 12th, 1882, and was continued up to 14th April, 1885, and the agency transactions during that time exceeded £11,000. After the said Messrs. Inglis and Brown had ceased to act as my said agents they sent me further orders for tea, which I declined to execute, and referred them to my Sydney agents.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at Melbourne, in the Colony of Victoria, this]

ROBERT BOWMAN.

21st day of January, 1889, before me,—

HENRY P. FERGUSON,

One of Her Majesty's Justices of the Peace in and for the Central Bailiwick of the Colony of Victoria.

James Ebenezer Tonkin, M.P., called in, sworn, and examined:—

- J. E. Tonkin, 1230. *President.*] You are one of the Members for East Macquarie in the Legislative Assembly, and have M.P. been so for some years, I believe? Yes; I have been a Member for about two years.
1231. I believe you were present and took part in the debates on the tram-leasing question on the 12th, 13th, 14th, and 18th of December last? Yes. I do not know whether I spoke on it.
1232. You made some slight interjections, and were present and took part in that sense? Yes. I was not present on the night of the division on the question; I was ill. I was there until the morning.
1233. Of course you know what we are here for—what we are inquiring about. You know that during that debate general charges, and one specific charge, affecting Members of Parliament generally, and you know that we are inquiring whether there is any truth in these charges or not? Exactly.
1234. Can you give us any information or tell us anything that will throw any light upon this matter? No.
1235. Do you of your own knowledge know of anything? Nothing at all.
1236. Do you know where we can get any information to throw any light upon it? Excepting from Mr. Clarke, the Minister of Justice. I should think he could give you some information.
1237. Can you tell us why you think Mr. Clarke can give us any information? No; only I fancy he is connected with the trams in Victoria, and from that reason I fancy he had something to do with, or knew something about, the leasing of these trams here.
1238. What do you mean by saying that you fancy he had something to do with the trams in Victoria? He told me he had a large interest in the trams in Victoria.
1239. The Melbourne trams? Yes.
1240. When did he tell you that? It was some months ago. We were over in Melbourne together. It was on the occasion when a lot of us were going to Broken Hill.
1241. Do you remember how long ago it was? I think it must be four or five months ago. I could get the date of that from Mr. De Courcy Browne.
1242. Why do you think from that that Mr. Clarke would know anything about our tram business? Well, of course, it is all a surmise on my part. I believe that this was a fraud—this attempt to sell the tramways.
1243. Which tramways? Our trams.
1244. Which attempt do you mean? I mean the attempt to lease them for forty-five years—the proposition before the House; and from that I inferred that certain Members of Parliament were interested in the leasing of these trams, certainly that Mr. Clarke was one of them. I have no reason to think so any more than from my own imagination.
1245. You say that you think the attempt to lease the trams for forty-five years was a fraud;—why do you think that? Because I do not think there was publicity enough given in calling for tenders. I think that in such a gigantic undertaking as that, tenders ought to have been called for in other parts of the world besides the colonies. That is one reason. Another reason is the peculiarity of the specification.
1246. In what respect? In respect of a certain kind of cable tram that, I am informed, was in the hands of only one party. They had the patent for the colonies.
1247. What part of the specification do you refer to? I refer to the laying down of a certain style of cable trams—mentioning a certain kind of cable.
1248. The specification provides that the lessee shall lay down a certain style of cable tram? Yes; of which, I am informed, a certain company have the patent for the colonies.

1249.

J. E. Tonkin,

M.P.

17 Jan., 1889.

1249. Which company is that? The Melbourne Tramway Company.
1250. I understand you to say that the specification for leasing the trams provided that the lessees must use a particular cable tram? Yes.
1251. And you say that that particular kind of cable tram is one to the use of which the Melbourne Tramway Company have the exclusive right? That is what I am informed, and I believe it to be correct. I do not know of my own knowledge that that is a fact, but I am informed that it is the case, and I believe it.
1252. Have you any other reason for supposing it was a fraud? Only the extraordinary time mentioned in the specification.
1253. Do you mean the short time? No, the long time. The forty-five years.
1254. Why should it be an element of fraud because it was forty-five years? Well, I think it is out of all reason.
1255. Do you mean not business-like or fraudulent? Not business-like, at any rate. It is just what anybody would do in writing out a specification if they wanted to have some advantage in getting the contract themselves.
1256. Now, you say that Mr. Clarke told you that he was largely interested in the Melbourne Tramway Company? Yes.
1257. From what is it that you suppose he is mixed up in this fraud, as you call it? It is only my own imagination; I have no reason.
1258. But how do you arrive at that conclusion? Well, I know that Mr. Clarke is a great speculator. He goes into everything and anything in the shape of syndicates of all kinds, and I naturally put it down that he was in this one.
1259. In which one? In the tenders for the leasing.
1260. Which syndicate do you mean? In the Melbourne one.
1261. Do you only conclude that because he was a large shareholder in the Melbourne Tramway Company? Principally; and from his speculating proclivities. I know he is in for anything—any speculation of any kind—mining or anything else.
1262. Have you any other reason, from what you have heard, except that he is a great speculator, and largely interested in the Melbourne tramways? Not except that.
1263. Beyond that you do not know that he is interested in any syndicate at all? No, not in these syndicates. I know he is interested in mining syndicates.
1264. Do you know of any other Member of Parliament who is in any way implicated? No.
1265. Do you know of any overtures being made to any Member of Parliament, of your own knowledge? No.
1266. With the exception of what occurred in the House, did you ever hear of any? No, not of any overtures. A party came to me one day and asked me to take shares in the Sydney syndicate that was then being formed, and he sent me the articles of association.
1267. Was that the Burns-Philips syndicate? I do not know. I did not bother with it. I have got the articles of association in my office; but I got them from Mr. Harvey, who is a mining agent in the Exchange.
1268. Who is the party who came and asked you? Harvey, the mining agent.
1269. What interest would he have in it—simply a commission? No; he had a large number of shares in it himself.
1270. But was it some of his own shares that he wanted you to take? Yes.
1271. At what terms were you to take them? No privilege was to be given to me.
1272. You were simply to take them as a member of the public? Simply to take them as a member of the public.
1273. As I understand, Mr. Harvey was a holder of some shares, and trying to get rid of some of them to you on the same terms as to any member of the public? Yes.
1274. Did he ask a premium for them? No.
1275. You were to have them at par? Yes.
1276. Do you know which tramway syndicate that was? I cannot say.
1277. *Mr. Lamb.*] Do you know who was the director or secretary? I would know the names if they were read.
1278. *President.*] Was Huntley the secretary? Yes, I think he was.
1279. Do you know anything at all beyond what you have told us about your suspicion of Clarke? No.
1280. Can you tell me apart from your suspicions of Clarke, or give us any information, or put us upon the scent of anything that would throw light upon this matter at all? No, I cannot.
1281. Can you suggest any person we ought to call? No.
1282. Except you say, Mr. Clarke? Mr. Haynes, of course—all the parties who have made statements in the House, though that you know as well as I do.
1283. I am not now upon the question whether Mr. Clarke had shares in the Melbourne Tramway Company, because he has a perfect right to have them if he likes; but suppose Mr. Clarke on oath stated that he had no interest in any syndicate for the purpose of leasing our trams, either directly or indirectly, what would you say to that? I should have to accept it as a fact.
1284. That would be, if true, a complete answer to your suspicions? Yes.
1285. And suppose we had ascertained and knew all the persons who were interested in the Melbourne syndicate, and that Mr. Clarke's name was not amongst them? That may be accounted for in this way, that he may hold shares that have not been transferred through the books. I admit that he might hold shares in another person's name. But at that time he told me he had these shares. They may not have been transferred. So far as that is concerned, I think any Member of Parliament, if he wanted to interest himself in the purchase of those trams would be very foolish if he had his name on the list.
1286. Are you quite sure that the specification provides for this particular kind of tram that you have mentioned? I am informed so. I did not see the specification myself.
1287. *Mr. Lamb.*] Did Mr. Harvey tell you that he had shares in that company? Yes. He told me that he was the holder of some shares, and he wanted me to take some of them.
1288. *President.*] Did you take the shares, or any of them? No.

THURSDAY, 24 JANUARY, 1889.

Present:—

C. E. PILCHER, Esq., Q.C., PRESIDENT,
 E. W. KNOX, Esq., | ALFRED LAMB, Esq.

THE PRESIDENT IN THE CHAIR.

George Smith Duncan called in and sworn:—

- G. S. Duncan. 1289. *President.*] What is your name? George Smith Duncan.
 24 Jan., 1889. 1290. I believe you are the engineer to the Melbourne Tramway Company? No; to the Melbourne Tramway Trust, a municipal body, formed from the different municipal corporations.
 1291. Then, in point of fact, you are a municipal officer, and have no connection with the Tramway Company at all? No; no connection whatever.
 1292. They are quite distinct? Yes, quite.
 1293. Do you know Mr. David Proudfoot? Yes; I do.
 1294. Had you a conversation with him some time ago in Melbourne with reference to the leasing of the Sydney trams? Mr. Proudfoot called at my office about 12 o'clock.
 1295. Your office in Melbourne, you mean? Yes; Queen-street, Melbourne, and he was there for a very short time indeed, and the conversation he had was of a very general nature; in fact so general that I could not repeat to you any details of what took place.
 1296. Can you give the substance of it? Well, I don't think I can. It was of such a general nature that there was nothing sufficient to impress it upon me.
 1297. What was the effect of it? Well, I cannot tell you what the conversation was. He was only there for a few minutes, and we talked in a general way. There was nothing distinctive about the conversation to impress it upon me.
 1298. Did you tell Mr. Proudfoot in that conversation, or at any other time, that the company you were working for had got the tramways of Sydney? I never made such a remark to Mr. Proudfoot.
 1299. Or anything like it? No, I did not.
 1300. Did you say "It is a settled fact; all the details have been agreed to, and it simply remains for the agreement to be drawn up. I am speaking from what I know as a fact, because I am one of the syndicate"? No; I did not.
 1301. Nor anything like it? No, I did not; I made no such statement.
 1302. Did you tell Mr. Pilcher that the Sydney Tramways had been leased to your company or to any syndicate with which you were connected, and all that remained was for the agreement to be signed, or anything to that effect? No; I did not.
 1303. Did you say anything that could lead him to suppose that you meant that, or intended to convey it? No, I did not; I made no statement at all connected with the Sydney tramways.
 1304. Did you, as a matter of fact, at that time belong to any syndicate? Well; I will tell you my position with regard to the Melbourne Tramway Company. They did form a syndicate to negotiate for the Sydney tramways, and they came to me to see if I would act as engineer. In the event of their getting them I was to have an interest in it, but I had nothing to do with the negotiations between the Government of New South Wales and themselves. At the time Mr. Proudfoot called I had not the slightest idea what had taken place—whether the company had seen the Government here, or whether any negotiations had transpired between it and the Government.
 1305. When you say the company you mean the syndicate? Yes, I mean the Melbourne Tramway Company, and I don't know whether any negotiations had taken place between the syndicate and the Government. It was part of the arrangement, that I was to build the lines for them if they obtained the lease, and have an interest in it afterwards.
 1306. Was that arrangement made between you and the tramway syndicate—I must call it the tramway syndicate—prior to your meeting Mr. Proudfoot? Well, we had a conversation. The matter was merely mentioned in the way of approaching negotiations.
 1307. Then I understand that the whole of your negotiations with the Melbourne tramway syndicate was that in the event of your obtaining the lease you were to act as engineer and take a small interest; beyond that, did you know anything at all of the arrangements between the syndicate and the Government? No, I did not. I did not attend any of their meetings, and had no correspondence with them about their negotiations with the Government.
 1308. But beyond that you know nothing of the relations or negotiations of the Melbourne tramway syndicate with the Government of New South Wales? No, nothing whatever.
 1309. Did you have any conversation with Mr. Proudfoot about the gentlemen who were associated with you in the Melbourne syndicate? No; I made no statement whatever to Mr. Proudfoot about anyone in connection with the syndicate.
 1310. Did you mention any name? No; I did not.
 1311. Did you mention the name of Mr. Collier or Mr. Cain, Mr. Rowan, or Mr. Robertson? No.
 1312. None of them? No.
 1313. Did you say in any way or talk in any way as to who had negotiated the matter between the Melbourne Tramway syndicate and the Government of New South Wales? No.
 1314. Can you call to mind whether you had any conversation with Mr. Proudfoot about the Sydney tramways? Well, if I had, it must have been in a very general way, because I could not tell you anything of importance that would recall it. It may have been mentioned generally, but so generally that I cannot recall the words that may have been used.
 1315. Then, as I understand, you cannot even undertake to say that you had a conversation about the Sydney tramways? No; I could neither say that I had or that I had not.
 1316. But if you had it was of such unimportance that it made no impression on your mind? Yes; that is it.
 1317. Did you mention any member of the Ministry of New South Wales as being connected in any way with the Melbourne tramway syndicate? No; I did not.
 1318. Did you mention the name of any Minister? No.
 1319. Did you mention any Minister without the name? No.
 1320. Did you mention the name of Mr. Clarke? No; I did not.

1321.

1319. Or did Mr. Proudfoot mention it? No.
 1320. Did you know Mr. Clarke? I did not know who he was at all.
 1321. Did you know the name of the late Minister for Justice here? No.
 1322. You did not know whether his name was Brown, Jones, or Robinson? No, I did not.
 1323. Did you know that a gentleman of the name of Clarke was the Minister for Justice? No; I did not know the name of a single member of the Ministry of New South Wales at that time, excepting Mr. Sutherland.
 1324. But since then you have heard that the Minister for Justice was Mr. Clarke? Yes; I have read it in the debates.
 1325. I suppose you knew Sir Henry Parkes? Yes; I knew the name of Sir Henry Parkes.
 1326. But you did not know the name of Mr. Clarke? No, I did not.
 1327. Nor of Mr. Inglis? No.
 1328. I want to ask you whether it is true,—and in answering my question I want you to consider whether you said this or said anything that would justify anybody making such a statement,—is it true that you were most emphatic in your conversation with Mr. Proudfoot about all the details having been settled, and that the only thing that remained to be said was the drawing up of the agreement; is that true, or anything like it? No; no such statement was ever made.
 1329. But was anything said that could have been twisted into that? No.
 1330. Is it true that you led him to believe that it was a settled thing, as far as your friends and the Sydney Government were concerned? No.
 1331. Is it true that you led him to believe that as regarded this particular transaction of the trams and tramways of Sydney and the suburbs were going to the Melbourne syndicate? No.
 1332. Quite apart from what you led him to believe, or what he said to you, can you tell us whether you, yourself, understood, or believed that it was a settled thing that the Melbourne syndicate was to have a lease of the Sydney trams? No; I never understood that there was any approaching settlement.
 1333. How did you understand that the lease of the Sydney tramways was to be obtained, assuming Parliament sanctioned it? I always believed that tenders would be called for in the usual way.
 1334. Is it true that you learned your profession from, or were under, Mr. Proudfoot at any time? Yes. I was connected with him about 18 years ago; I was assistant-engineer of the first railway constructed in New Zealand. Mr. Proudfoot was promoter of that line; but since then I have had no connection with Mr. Proudfoot at all, although he has asked me to do work for him.
 1335. Is it true that you had no reason to tell Mr. Proudfoot anything that was incorrect, because you were a young fellow who had learned your profession upon his contracts in New Zealand, and that it came voluntarily from you? No, it is quite untrue. Since I worked for him in New Zealand Mr. Proudfoot has asked me to do things for him, but I have had no connection whatever with him; in the meantime I did not learn my profession with him, although it might have been part of my training, because I was young at the time. However I was trained in quite a different school.

WEDNESDAY, 9 JANUARY, 1889.

Present:—

C. E. PILCHER, Esq., Q.C., PRESIDENT, E. W. KNOX, Esq., | ALFRED LAMB, Esq.
--

THE PRESIDENT IN THE CHAIR.

Joseph Barling, further examined:—

1336. *President.*] Can you give us the date of the first negotiations with the Government about the leasing of the trams? You will find all the correspondence with regard to the leasing of the trams in the Parliamentary paper which I hand in to the Commission.

J. Barling.

9 Jan., 1888.

1337. These papers include the negotiations which took place with a Melbourne firm before the tenders were called for, and shows the whole of the transactions? Yes, so far as I am aware. The papers were not compiled by me, but were prepared, I presume, in the Railway Office.

1338. This paper, which was ordered to be printed on the 10th April, 1888, is a

RETURN to an Order of the Honorable the Legislative Assembly of New South Wales, dated 29th February, 1888, That there be laid upon the Table of this House,—

“(1.) A copy of all minutes, letters, correspondence, documents, &c., between the Government and the Melbourne Tramway Company, or any other Company, or person or persons, in reference to leasing the Government Tramways of this Colony.

“(2.) Also, copies of all correspondence, minutes, &c., between the Government and any Company, or person or persons, in reference to using electricity or any other motive-power to work the Tramways of this Colony.”

Does it show the whole of the transactions as far as you are aware between the Government and any persons in reference to the leasing of the tramways? Yes.

1339. Can you give us the dates in connection with the calling for tenders? The first *Gazette* notice is dated the 15th October, and the tenders were to be received by the 15th November. Then by *Gazette* notice dated the 12th November the time for the tenders to be sent in was extended to the 29th November. Then by a *Gazette* notice dated the 28th November the time for sending in the tenders was further extended to Thursday the 13th December.

**ROYAL COMMISSION ON ALLEGED ATTEMPTED BRIBERY OF MEMBERS
OF PARLIAMENT.**

APPENDICES.

A.

ACCOMPANYING their tender for the Metropolitan Tramways, the undersigned desire to state that if it be accepted they propose to immediately commence converting, as far as practicable, the present motor system into cable tramways in the construction and working of which they have experience, and for which they hold all the necessary patents for New South Wales.

At an early date they will invite the co-operation of the public by a large distribution of shares.

They have arranged for the purchase of the Sydney Tramway and Omnibus Company's plant and business, so that the wants of the travelling public may be supplied while alterations are being made in the Tramway construction.

T. B. CLAPP.
JENKIN COLLIER.
JOHN WOODS.
W. G. SPRIGG.
ANDREW ROWAN.
WILLIAM CAIN.

Sydney, 13/12/88.

Address c/o Sydney Tramway & Omnibus Co. (Limited), King-street, Sydney.

B.

The Insolvency Statute, 1871.

In the Court of Insolvency, at Melbourne (Central District.)

In the matter of Robert Bowman, of 26, King-street, Melbourne, in the Colony of Victoria, tea merchant (trading as R. Bowman & Co.).

Before HIS HONOR JUDGE QUINLAN.

UPON reading the notice of application for the release of the estate of the above-named Robert Bowman from sequestration and the several affidavits of the said Robert Bowman and of Montague Cohen and Maurice Goldsmith sworn and filed herein, and the release and acceptance of composition and agreement for composition annexed to the affidavit of the said Maurice Goldsmith; and upon hearing the solicitor for the said Robert Bowman (no one appearing in opposition to the said application), and it appearing to this Court that three-fourths in number and value of the creditors who have proved debts by writing under their hands have actually accepted the offer of composition in the said release and acceptance of composition and agreement for composition mentioned, and that such composition has been paid to the creditors who have so accepted the said composition. And this Court being satisfied that the terms of the said offer have been complied with by the said insolvent, and that the acceptance of the same has not been procured by him or anyone on his behalf to his knowledge or belief by any fraudulent or undue means or influence or to the knowledge of one creditor over another, this Court doth order that the estate of the said Robert Bowman be and the same is hereby released from sequestration.

Given under the Seal of the Court, this twenty-eighth day of May, one thousand eight hundred and eighty-six.

By the Court,
[L.S.] CHAS. P. WILLIAMS,
Chief Clerk.

I certify this to be a true and correct copy of the original order of which it purports to be a copy.—
Dated this sixteenth day of January, 1889. GEO. BELL, Chief Clerk.

C.

I, PATRICK PIGOTT, of McConnell-street, Kensington, in the Colony of Victoria, trainer, do solemnly and sincerely declare as follows:—

1. On the day before the Mentone Races, about the time of the Melbourne Cup Meeting, in answer to a telegram from R. H. Levien, Esq., of Sydney, solicitor, I called upon him at the Federal Coffee Palace, Collins-street, West Melbourne, and in course of conversation I stated that I had a parcel for Mr. Robert Bowman, of King-street, Melbourne, tea merchant. Mr. Levien asked me if that was the Mr. Bowman who had been a Member of Parliament; I said, "Yes." He said he would like to know him.

2. On the following day I drove to the Mentone Racecourse with the said R. H. Levien, and there met Mr. Robert Bowman, and at the request of Mr. Levien I spoke to Mr. Bowman and asked him if I might introduce Mr. Levien to him. He asked who Mr. Levien was. I informed him that he was a solicitor of large practise in Sydney, and a Member of Parliament. I then introduced Mr. Levien to Mr. Bowman, and remained with them until they separated in the course of a few minutes, during which time the conversation was of a general character, and on the invitation of Mr. Levien we there had a glass of wine together.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria, rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at Melbourne, in the Colony of Victoria, this fourteenth day of January, one thousand eight hundred and eighty-nine, before me, — }

PATRICK PIGOTT.

A. W. HANLON,
One of Her Majesty's Justices of the Peace in and for the Central Bailiwick of the Colony of Victoria.

D.

D.

THE following is a full list of the shareholders in the N.S.W. Tramway Company :—

Cowlshaw, Mahon, Clarke	Bond, George	Ferguson, J. W.
Burns, James	Franki, J. P.	Angus, James
Aretuer, John	Gillespie, Thomas	Harris, Henry (of Harris & Ackman)
Stokes, C. F.	Paling, W. H.	Stokes, Henry
McEacharn, Donald Malcolm	Munro, George (cancelled)	Frazer, H. C.
Wilson, David	Walsh, John	Meldrum, Alexander
Nicholson, James B.	Orr, James	Brooks, William
Smith, Robert Henry	Meeks, A. W.	Curry, Archibald
Wallace, R. B.	Herring, Leslie George	Harris & Ackman
Wood, J.	Cliff, J. D.	Uther, F. W.
Hoffnung, Abraham	Trickett, Oliver	Smith, J.
Mort, J. Laidley	Elles, James Currie	Carson, William
Durham, George	Huxtable, Dr. L. R. (cancelled)	Barnett, A.
Welch, J. St. Vincent	Saywell, Thomas	Levy, L.
Johnson, Lewis Alexander	Billyard, C. A. M.	Wright, F. A.
Kemp, Francis	Hinchcliffe, John	Philp, Robert
Cruickshank, William Douglas	Collier, Alfred Henry	Burns, Philp, & Co.
Broomfield, John	McPherson, John	Robinson, T. B.
Hudson, Robert	Boar, Moritz	Rolin, T. B.
Hudson, Henry	Johnstone, A.	Mitchell, J. R.
Pollock, Robert	Morice, W., junr.	Jackson, F. W.
Pickburn, Thomas James	Morice, W., senr.	Forsyth, Adam
Curtis, Frederick	Fishburn, George	Phillips, R. M.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. THOMAS WALKER, M.P.

(CORONER'S VERDICT OF MURDER AGAINST, IN TORONTO.)

Ordered by the Legislative Assembly to be printed, 8 March, 1889.

Memorandum by The Colonial Secretary to The Inspector-General of Police.

[Confidential.]

Colonial Secretary's Office, Sydney, 26 April, 1887.

THE printed matter on other side has been sent to me from Sandhurst (Victoria). It would appear from the letter signed "F. Fenton" that the verdict of the coroner's inquest at Toronto against Walker (Thomas Walker, Esq., M.P.) was "murder," and that he absconded.

I think, in justice to the Legislative Assembly and to Mr. Walker himself as a member of that body, the Inspector-General should communicate with the authorities in Canada to ascertain the real facts. It appears that a copy of the depositions can be obtained on a small charge from Mr. Fenton; but I assume that the best way will be to communicate with the Canadian Police.

HENRY PARKES.

[*Enclosures.*]

[*Melbourne Herald*, August 17, 1883.]

MR. WALKER AND THE SPIRITUALISTS.

To the Editor of the Herald.

Sir,

My attention has only just been called to Mr. Thomas Walker's letter, published in your journal of the 10th instant, wherein he imputes malicious motives to spiritualists generally, and hints at what he is pleased to call a libel (?) against him having emanated from "Russell-street." Individually, I do not know where you got your information from *re Toronto Mail* paragraph, or whether your informant was a spiritualist, but this I do know, that Mr. Walker has been treated with great consideration by all the prominent spiritualists I am acquainted with, who, instead of opposing him, have simply held aloof from him, save when attacked by him. You are aware that when your reporter called upon me three days after the publication of the matter referred to, asking if I could furnish information on the subject, I told him I had documents endorse of the fact that a coroner's jury had found Mr. Walker guilty of causing the death of Saunders, but declined to allow him either the papers or a copy of them for publication. These documents were sent to me by a friend, have been in my possession about three months, and in all probability would have remained unpublished had Mr. Walker been content to leave those who have been his best friends alone. As, however, he still continues to malign them, I see no reason for suppressing the official information relative to the Toronto inquest, and therefore place the papers at your service.

Yours, &c.,

W. H. TERRY.

84, Russell-street, Melbourne, 16 August.

[We shall deal with these papers in due time. Mr. Terry's statement as to our reporter calling on him is quite correct.—ED. H.]

[*Melbourne Herald*, August 22, 1883.]

In his last letter in our columns it will be remembered that Mr. Walker referred to a local spiritualist from Russell-street. Mr. Terry, feeling that he was the party referred to, wrote a letter, which we published, placing at our disposal certain papers connected with the charge against Mr. Walker, which were in his possession. We give copies of these documents in another column. Mr. Walker, in his last letter, dwelt strongly on the fact that the newspaper reports of what took place were of the "Three Black Crows" order. Now, however, we have for the first time the actual verdict of the jury, and it is stronger than anything we have yet seen in print; coming as this does, from the Coroner, there can be nothing of the "Three Black Crows" nature about it. The grave charge against Mr. Walker, in which the Coroner's jury declare that the phosphorus had been ignited for the purpose of deception, is therefore now, for the first time, officially formulated in the Colony, and we shall be glad to learn if there is any further defence to it than that already made by Mr. Walker. The "Three Black Crows" and the unreliability of newspaper writers will not now avail. The dates mentioned fully bear out Mr. Walker's statements as to the period which elapsed between the date of the occurrence and the death of Saunders.

THE

THE CHARGES AGAINST MR. WALKER.

THE following are copies of the papers referred to by Mr. Terry in his letter in our columns of Friday last. They have been copied by one of our staff from the originals in Mr. Terry's hands.

Both the letters are addressed to "Thomas M'Lear, Esq., " of Toronto, a well known publisher and a friend of Mr. Terry's, to whom Mr. Terry wrote for information relative to the Saunders affair. The first letter is from Dr. Riddel, of Toronto, the coroner who held the inquest on the body of Saunders. The second letter, which is written on the official note-paper of the County Crown Attorney at Toronto, is from Mr. T. Fenton, the County Crown Attorney, in whose office the inquest papers are filed. This is the first official information in the matter we have seen, and sets out for the first time in this colony what the verdict of the jury really was:—

Thomas M'Lear, Esq., Toronto.

Dear Sir,

Toronto, 25 March, 1883.

In reply to your question whether the report of the inquest held by me on the 8th and 9th October, 1874, on the body of one John Saunders, published in the *Globe* about that time, was generally correct, I have to say that at this distance of time it is impossible for me to tell particularly, as it is probable that I never read it. As shown in evidence at the inquest Walker had caused the injuries that led to Saunders' death, and a verdict tantamount to manslaughter was rendered by the jury against him. He escaped from the country, or would have been committed for trial under my warrant. The original papers are on file at the County Crown Attorney's Office. Mr. Fenton would doubtless let you see them. Walker was shown to be an imposter, and it is a pity he frustrated the ends of justice by leaving Canada. As a copy of the verdict might be of service to your friend, I give it below as follows, leaving the verbiage that red tape and lawyers' prolixity require at the preamble out.

The jury upon their oath say: That the said John Saunders, on the 6th day of October, A.D. 1874, came to his death from the effects of certain burns inflicted while attempting to extinguish some burning phosphorus at Richard O'Brien's hotel, Front-street, in the said city of Toronto, on the 16th day of September, A.D. 1874, which said phosphorus had been ignited by one Walker, for the purpose of deception, he pretending to be able, as a spiritualistic medium, to answer questions and delineate faces of spirits in fire by virtue of his gifts as such medium; and that therefore the said Walker feloniously caused the death of the said John Saunders.

I think Walker's Christian name was not known to the witnesses.

Saunders' family live on the banks of the Don, Riverside, opposite T. Davis's brewery.

I shall send your letter re inquest on Saunders to Mr. Fenton, who may probably take steps to provide Walker with a free passage from Melbourne to Toronto.

If I can be of any further use to you or your friend, kindly let me know.

Very truly yours,

A. A. RIDDEL, Coroner,
City of Toronto.

Office of the County Crown Attorney, County of York, Toronto Court-house, 29 March, 1883.

Dear Sir,

Re inquest on John Saunders, Dr. Riddel, Coroner of this City, has handed me your letter to him of 24th instant, as to this matter, as the original papers were filed in my office. The evidence taken at the inquest and the verdict of the jury show clearly that Saunders died from the effects of the phosphorus ignited by Walker, and the inquest papers are indorsed "Queen v. Walker (murder), prisoner absconded." If you desired copy of the full evidence, verdict and other papers of the inquest duly certified under my official seal, the costs will be 3 dollars, as the evidence is very fully taken down. Please let me hear from you.

Thomas M'Lear, Esq., 15 Adelaide-street, E. Toronto.

Yours truly,

F. FENTON.

The Inspector-General of Police, New South Wales, to The Chief Constable,
Toronto.

Sir,

New South Wales, 26 April, 1887.

I do myself the honor to request that you will furnish me with all information in your power relating to the following case:—

On the 8th and 9th of October, 1874, an inquest was (I am informed) held in your city by A. A. Riddel, Esq., Coroner, upon the body of one "John Saunders," a verdict being returned to this effect:—"The jury, upon their oath, say that the said John Saunders, on the 6th day of October, A.D. 1874, came to his death from the effects of certain burns inflicted while attempting to extinguish some burning phosphorus, at Richard O'Brien's Hotel, Front-street, in the said City of Toronto, on the 16th day of September, 1874, which said phosphorus had been ignited by one Walker, for the purpose of deception, he pretending to be able as a spiritualistic medium to answer questions and delineate faces of spirits in fire, by virtue of his gifts as such medium, and that therefore the said Walker feloniously caused the death of the said John Saunders." Walker's Christian name was apparently not disclosed at the inquest, but no doubt you could ascertain it.

I am further informed that the inquest papers are endorsed "Queen versus Walker—Murder—Prisoner absconded—He having escaped from the country to evade committal for trial."

My object in addressing you is to request you to furnish me with duly authenticated copies of all proceedings and documents in the case referred to, together with such particulars regarding Walker as may be known to the police, and establish his identity.

This information is required for a public purpose by the Government of this Colony, and I need scarcely add that any charges entailed in supplying the same will be promptly remitted to you upon receipt of your reply.

The favor of your early attention will greatly oblige.

I have, &c.,

EDMUND FOSBERY,
Inspector-General of Police of New South Wales.

[Confidential.]

[Confidential.]

Memorandum by The Inspector-General of Police to The Colonial Secretary.

Re inquest held at Toronto, Canada, on one John Saunders. Verdict—Murder against one “Walker.”
Police Department, Inspector-General’s Office,

Sydney, 23 August, 1887.

HEREWITH I beg leave to submit to the Colonial Secretary the reply this day received from the Chief of Police at Toronto, Canada, to my letter of the 26th of April last on the above subject, also certified copies of the depositions taken at the inquest, and other documents.

Before remitting the amount of the charges, as per account enclosed, I should be glad to be informed if Sir Henry Parkes desires that I should make any further communication on the subject to the authorities at Toronto.

I return all the papers sent to me by the Colonial Secretary.

EDMUND FOSBERY,

Inspector-General of Police.

[Enclosures.]

Chief Constable’s Office, Toronto, Canada, 5 July, 1887.

In re John Saunders.

The Inspector-General of Police, Sydney, New South Wales.

Sir,

In reply to your letter of 26th April last, I have now the honor to forward a certified copy of the inquest held upon John Saunders in October, 1874, obtained from the County Crown Attorney, together with a note to myself stating his inability to discover further particulars relating to the endorsement on the inquest papers. The police departmental records give no further information on the subject, which has remained dormant since Walker absconded. Both the coroner and Crown counsel alluded to being dead I am afraid there is no official connected with the case who could throw any light on the subject.

Enclosed please find memo. of charges for the certified copy of inquest.

I have, &c.,

H. J. GRASETTI,

Chief Constable.

Dominion of Canada, Province of Ontario, }
County of York, to wit.

I, GEORGE WASHINGTON BADGEROW, of the City of Toronto, in the County of York, County Crown Attorney of the said County, do hereby certify: That in the ten pages hereunto annexed is contained a true copy of the depositions and verdict in and all other papers in connection with an inquest held by Dr. Archibald Alexander Riddel, one of the coroners of the said county, on the body of John Saunders, deceased, on the 8th and 9th days of October, A.D. 1874, at the said City of Toronto. The originals of the said annexed papers are now on file in my office, as County Crown Attorney of the said County, in accordance with the Statute in that behalf.

As witness my hand and seal of office, at the Court-house, in the said City of Toronto, this twenty-ninth day of June, A.D. 1887.

(L.S.) GEO. W. BADGEROW,

County Crown Attorney, County of York.

Canada, Province of Ontario, City of Toronto, }
County of York, to wit.

I, ARCHIBALD ALEX. RIDDEL, of the City of Toronto, in the County of York, hereby certify,—That I am one of Her Majesty’s Coroners for the City of Toronto, in the County of York; that by virtue of my office as such Coroner, I this day held an inquest at the General Hospital, in the said City of Toronto, on the body of John Saunders, it having been first made to appear to me that he came to his death through the culpable negligence of himself or some other person, and not through mere accident or mischance.

As witness my hand and seal at the City of Toronto, in the County of York, this 8th day of October, A.D. 1874.

(L.S.) A. A. RIDDEL,

Coroner, City of Toronto.

Canada, Province of Ontario, City of Toronto, }
County of York, to wit.

I JOHN H. MCCOLLUM, M.B., of the City of Toronto, in the County of York, make oath and say:—That I am the resident surgeon of the General Hospital in the City of Toronto; that on the 16th day of September, A.D., 1874, John Saunders was admitted as a patient into the said General Hospital with his two hands and one foot burning with phosphorus; that he the said John Saunders subsequently became attacked with lockjaw, followed by tetanus, which were doubtless occasioned by the burning; that he died in the said hospital on the 6th day of October, A.D., 1874, from exhaustion—the result of the lockjaw and tetanus,—which were doubtless occasioned by the injuries to the hands and feet by burning; and that I therefore believe an investigation as to the cause of his death by a coroner is required.

Sworn before me, at the City of Toronto, in the County of York, this 8th day of October, A.D., 1874, before me,—

A. A. RIDDEL, Coroner, City Toronto.

J. H. McCOLLUM.

Canada, Province of Ontario, City of Toronto, County of York, }
To wit.

INFORMATION of witnesses severally taken and acknowledged on behalf of our Lady the Queen, at the General Hospital in the City of Toronto, in the County of York, on the 8th day of October, in the year of our Lord 1874, before me, Archibald A. Riddel, Esq., one of Her Majesty’s Coroners for the said city, on view of the body of John Saunders, then and there lying dead, as follows, to wit,—

Joseph H. Saunders, carpenter, sworn, says:—I am brother to the deceased; he was born in England, and is thirty-one years of age; I recognize the body in the dead house as that of my brother; I saw him several times after he was injured; the first time I saw him he told me he was attending an exhibition at Richard O’Brien’s tavern, Front-street; that the exhibitor professed to be able to show the spirits of departed friends; that the exhibitor’s name was Walker; that my brother asked him to show the spirit of a dead friend; that the exhibitor pretended to do so, but that the head showed was much larger than that of his late friend, while the lips were like those of Walker; that he asked the pretended spirit to speak, when the lips moved; that Walker was in a closet, and cried out that he was smothering; that my brother went to his relief, and took him out of the closet; that, observing some fire upon the floor, my brother undertook to extinguish it with his hands, when it set fire to his hands and burnt them; my brother said it was trickery and deceit in Walker saying that he could make the spirits show their own light.

his
J. H. x SAUNDERS.

mark

Taken upon oath and acknowledged this 8th day }
of October, A.D. 1874, before me,—

A. A. RIDDEL, Coroner, City Toronto.

At this stage of the inquiry the proceedings were adjourned *sine die* on account of the non-attendance of witnesses; but the inquest was subsequently called for the next day, at the same hour and place.

Friday, 9th October, 10 o'clock a.m.

The inquest was resumed at the General Hospital in the City of Toronto, all the jurors being present. The evidence was taken down as follows:—

Richard O'Brien, tavern-keeper, corner of Front and John Streets, sworn, says:—I knew the deceased and the man Walker for about a week; they boarded with me for that time; deceased was taken to the hospital on the night that he got burnt, and Walker left that same night; I did not know that any exhibition was going on that night, nor at any other time, and the first thing I knew of it was one of the boarders calling "fire"; I then ran upstairs to the bedroom occupied by deceased and Walker; my brother was in front of me, and he rapped at the door, and called to open the door; as the door was not opened he burst it in; I then went down stairs to see if the fire had spread outside; the hall was thick with smoke; seeing there was no fire outside I returned up stairs; the fire was then extinguished; on going into the room I found my brother, Walker, and some of the boarders there, and Saunders was standing in the hall; I could not see any fire about Saunders for the dense smoke; Walker was standing in the room and appeared to be nearly suffocated; I assisted to get him out and told him to go to some druggist to get his hand dressed, as it was burnt; I could see fire on his clothes then; he went out and returned with his father, and took his trunk away; he had his hand tied up then; Saunders left, and I have not seen him since; Walker, his father, and the deceased were the only persons, as far as I know, in the room when my brother burst in the door; I do not know what occupation Walker followed; he did nothing but read the most of the time he was with me; I do not know what Walker's christian name is, nor where he or his father is, nor whether they are in the city or not; I do not believe George Evans was present when the Walkers and deceased were in the bedroom, or even in the house; I do not know what country Walker belonged to.

Taken upon oath and acknowledged this 9th day }
of October, A.D. 1874, before me,—

A. A. RIDDEL, Coroner, City Toronto.

RICHARD O'BRIEN.

Albert Taplin, printer, at R. O'Brien's, corner Front and John Streets, sworn, says:—I was in the room at Mr. O'Brien's, adjoining that in which Saunders got burnt on the night of the 16th September last; it was about 7 o'clock; I did not hear any noise till I heard a kicking at Walker's door; about a second afterwards some one called out, "Fire, fire—open the door," and there were repeated cries of "murder;" I then went out into the hall, where I saw smoke issuing from the openings around the door; I tried to open the door, but finding it was locked, endeavoured to push it in; I then ran down stairs and gave the alarm, as I could not open the door; Mr. O'Brien's brother went up and burst the door open; I went into my own room, but I could hardly breathe for the smell of burning brimstone or phosphorus; seeing one man, Saunders, I believe, come out of the room and go down stairs, I followed him, as he appeared to be in great agony, and he wanted to know where there was a doctor; his hands were on fire then, and I took him to Dr. Thorburn's, he running and screaming all the way; I never heard of any other exhibition taking place there before; the doctor, Saunders, and I went to Woods' drug store on King-street, and I assisted in bathing his hands and pulled his boots off, his left foot being somewhat burnt; I remained about an hour; while his hands were in the water he felt easier, but when they were taken out he again complained of their burning; I then left and went back to O'Brien's; the fire was extinguished then, except some spots on the carpet where the phosphorus was still burning.

Taken upon oath and acknowledged this 9th day }
of October, A.D. 1874, before me,—

A. A. RIDDEL, Coroner, City Toronto.

ALBERT TAPLIN.

George Henry Evans, bookkeeper, lives at R. O'Brien's, sworn, says:—I board at O'Brien's, but was not in the house at the time the alarm of fire was given, and the deceased's hands were burnt; I entered the house some time afterwards, and being told of what had happened, I went up to Walker's room, where I saw Mr. O'Brien and his brother putting out some fire on the carpet and in the cupboard; I never heard of any such exhibition taking place, and don't think any one in the house but the three who were present did know of it.

Taken upon oath and acknowledged this 9th day }
of October, A.D. 1874, before me,—

A. A. RIDDEL, Coroner, City Toronto.

G. H. EVANS.

Reverend Samuel A. Dyke, Baptist, sworn, says:—About a fortnight ago I called to see a patient in the same ward as Saunders; noticing Saunders' hands wrapped up, and he apparently in great pain, I went up to his bedside and entered into conversation with him, when he told me that his hands had been burnt with phosphorus; upon asking if he was the same party of whom I had read of having met with an accident at a spiritualistic seance, he said he was; I then asked if he believed in spiritualism; he replied that he had been studying it for some time, and had begun to believe somewhat in it; that he was acquainted with a number of professed spiritualists in the city, and had attended some of their seances: that he had met Walker at some of them as a professed medium, where he seemed to enter into trances, and while in those trances he would breathe very heavily, and gave apparent communications from spirits, but he, deceased, noticed that many of those communications made to other parties present were very similar to particulars gathered in conversations he had held with him at former times; deceased referred especially to seances held over a clothing store on King, which was fitted up with cabinet, &c., at considerable expense for the purpose; if I am not mistaken this was over Morrison's store; he mentioned the names of several persons who engaged in those seances, some of them being men occupying leading positions in the city, but I forgot who they were; having become acquainted with Walker at these seances, and meeting him at Mr. O'Brien's on the evening of the accident, he, Saunders, requested him to hold a private seance, to which he consented; upon asking what the programme of the seance would be, Walker said he would answer questions and show faces of spirits; darkness being necessary he entered into a dark closet, taking with him the questions written on paper, and they were to be answered in letters of light written on the wall, where the faces would be shown also in light; after Walker had entered the closet Saunders heard him breathing heavily as he had while in the pretended trances at other times; he then heard him groaning and then call for help, whereupon he entered the closet and dragged him out; noticing a quantity of fire upon the shelf, and not knowing that it was phosphorus, he swept off with his left hand into his right, and carried it in both hands into a basin of water; almost immediately he experienced pain, and found that his hands were burning, whereupon he kicked at the door, shouted fire, and called for help; he was subsequently brought to the hospital, and did not see Walker or his father since, but had heard that they had gone to England; he believed at the time I saw him that the questions were to be read by the light of the phosphorus, and the answers given and faces drawn on the wall by the same means.

Taken upon oath and acknowledged this 9th day }
of October, A.D. 1874, before me,—

A. A. RIDDEL, Coroner, City Toronto.

SAMUEL A. DYKE.

John McCollum, M.B., and Jas. Thorburn, M.D., sworn, say:—The undermentioned John Saunders stated to me that the exhibition was to take place in one of the rooms at the hotel on the corner of John and Front Streets; that there was a room that the exhibitor had arranged for the purpose of displaying his illusions; John Saunders was admitted to the hospital on the night of the 16th September, about 10 o'clock; he stated that he was a spectator at an exhibition where the exhibitor proposed to show the spirits of the departed and explain the theory of spiritualism; that while the exhibitor was making arrangements in a closet for the exhibition the cry of fire was raised; that he rushed into the closet to assist in putting out the fire, not knowing its nature or the danger he risked, for he was not aware that it was caused by phosphorus; his hands had been dressed by Dr. Thorburn before we came, but even then he was suffering the most intense agony, a part of the phosphorus still acting on his hands and feet; we immediately used means to neutralize it, which was accomplished in about forty

forty minutes; then the burns were treated as an ordinary burn, the whole of the integument on the left hand and part of the right being destroyed, together with small patches on the feet; he apparently did well up to Wednesday, the 30th of September, when symptoms of lock-jaw set in; this lasted for two days, when tetanus became developed; a consultation of the staff was called, and the suggestion of the consultation carried out to the last; notwithstanding, he died on the evening of the 6th instant; he was attended by his own relations from the time that tetanus appeared, as well as by the hospital attendants; we are of opinion that death was caused by the tetanus, and that it was induced by the burning.

Taken upon oath and acknowledged this 8th day }
of October, A.D. 1874, before me,— }

JAMES THORBURN, M.D.
J. H. McCOLLUM.

A. A. RIDDEL, Coroner, City Toronto.

John Saunders came to my residence on the evening of the 16th September, suffering from a burn caused by handling phosphorus; I used the proper means to neutralize the acid for upwards of an hour, when, at my request, he consigned to go into hospital; when he came to me his hands were in a burning flame, as well as parts of his wearing apparel and feet; the deceased informed me that he was witnessing an exhibition of supernatural power in an inn on the corner of John and Front Streets, the spirit medium professing to show the faces of departed friends.

Taken upon oath and acknowledged this 8th day }
of October, A.D. 1874, before me,— }

JAMES THORBURN, M.D.

A. A. RIDDEL, Coroner, City Toronto.

Canada, Province of Ontario, City of Toronto, }
County of York, to wit,— }

AN Inquisition indented, taken for our Sovereign Lady the Queen, at the General Hospital, in the city of Toronto, in the county of York, on the 8th day of October, in the thirty-seventh year of the reign of our Sovereign Lady Victoria, before Archibald A. Riddel, Esq., one of the Coroners of our said Lady the Queen for the said city, on view of the body of John Saunders, then and there lying dead, upon the oath of George Phillips (foreman), J. G. Smith, Francis Wilding, John Bates, Thomas Rennick, Geo. Nicholson, Henry McClellan, Albert Jones, Thomas Mallor, William J. Mankey, Robert Brown, Patrick Shea, and William Cline, good and lawful men of the said city, duly chosen, and who being then and there duly sworn and charged to inquire, for our said Lady the Queen, when, where, how and by what means the said John Saunders came to his death, do upon their oath say:—"That the said John Saunders, on the 6th day of October, in the year of our Lord, 1874, at the General Hospital, in the city of Toronto, came to his death from the effects of certain burns inflicted while attempting to extinguish some burning phosphorus at Richard O'Brien's hotel, Front-street, in the city of Toronto, on the 16th day of September, in the present year which said phosphorus had been ignited by one Walker for the purpose of deception, he pretending to be able as a spiritualistic medium to answer questions and delineate faces of spirits in fire by virtue of his gifts as such medium; and that therefore the said Walker feloniously caused the death of the said John Saunders."

In witness whereof, as well the said Coroner as the jurors aforesaid have hereunto set and subscribed their hands and seals, the day and year first above written.

A. A. RIDDEL,
Coroner, City Toronto.

George Phillips, foreman of the jury.

James G. Smith.

his

F. x Wilding.

mark

John Bates.

Thomas Rennick.

his

Geo. x Nicholson.

mark

Henry McClellan.

Albert Jones.

Thomas Mellor.

William J. Mankey.

Robert Brown.

his

P. x Shea.

mark

William Cline.

City of Toronto, }
County of York, }
to wit. }

Recognizance before Coroner.

BE it remembered, that Joseph H. Saunders, carpenter, of City of Toronto, and Reverend Samuel A. Dyke, of the same place, Baptist Minister, do severally acknowledge to owe to Our Sovereign Lady the Queen the sum of ten pounds each, of lawful money of Canada, to be levied on their several goods and chattels, land and tenements, by way of recognizance, to Her Majesty's use, in case default shall happen to be made in the condition hereunder written.

The condition of this recognizance is such, that if the above bounden Joseph Saunders and Reverend Samuel A. Dyke, do severally and personally appear at the next general gaol delivery, to be holden in, and for the County of York, and the said J. H. Saunders and Reverend S. A. Dyke shall then and there prefer, or cause to be preferred to the grand jury, a bill of indictment against one Walker, late of the City of Toronto, and now charged with having caused the death of John Saunders, late of the City of Toronto, and that the said Joseph H. Saunders and Reverend Samuel A. Dyke, do then and there severally appear to give evidence upon such bill of indictment to the said grand jury, and in case the said bill of indictment be found by the grand jury a true bill, that then the said Joseph H. Saunders and the Reverend Samuel A. Dyke, do severally personally appear at the said general gaol delivery, and the said shall then and there prosecute the said Walker on such indictment, and the said Joseph H. Saunders and Reverend Samuel A. Dyke, do then and there severally give evidence to the jury that shall pass on the trial of the said Walker touching the premises, and in case the said bill of indictment shall be returned not found, that then they do severally personally appear at the said general gaol delivery, and then and there prosecute and give evidence to the jury that shall pass on the trial of the said Walker, upon an inquisition taken before me, one of Her Majesty's Coroners for the said City, on view of the body of the said John Saunders, and not depart the Court without leave, then this recognizance to be void, otherwise to remain in full force.

Taken and acknowledged this 9th day of }
October, 1874, before me,

A. A. RIDDEL,
Coroner.

1874—Inquest on the body of John Saunders, held 8th and 9th October.

A. A. RIDDEL,
Coroner, C.T.

Queen v. Walker, (Murder)—Prisoner absconded—Filed 10th October, 1874.

F. FENTON,
County Crown Attorney.

Memo. from G. W. Badgerow to Lieut.-Col. H. J. Grasett, Chief of Police, Toronto.

Office of Crown Attorney, County of York, Ontario Hall,

No. 50, Church-street, corner Church and Court Streets, Toronto, 29 June, 1887.

I beg to return you herewith the letter of the Inspector-General of the Police Department of New South Wales, which Mr. Redburn has left with me.

I also enclose you, as requested, a duly certified copy of the inquest held on John Saunders, deceased, by the late Dr. Riddel, Coroner, on the 8th and 9th October, 1874. I may say that the words, "Queen versus Walker, Murder, Prisoner absconded," which are endorsed on the back of the inquest papers, are in the handwriting of the late Kenneth Mackenzie,

Mackenzie, Q.C., who was doubtless the Crown Counsel at the Criminal Assizes at that time. I have made diligent search among the old records in the Crown Offices at Osgoode Hall, but have been unable to find that any indictment was presented or returned against Walker for the murder with which he is charged. It has probably been thought unnecessary at the time to present a bill against him to the grand jury, as it was known that he had left the country. It does not appear in any part of the inquest papers what Walker's Christian name was.

I also enclose you a memorandum of my fees for services herein, which kindly forward to Sydney, New South Wales, with the other papers.

I hope you will find the enclosed satisfactory.

Yours, &c.,
GEO. W. BADGEROW, A.A.V.,
C. C. Atty.

Lieut.-Col. H. J. Grasett, Chief of Police, Dr. to G. W. Badgerow.

Re John Saunders, Deceased.

Office of Crown Attorney, County of York, Ontario Hall,

No. 50, Church-street, corner Church and Court Streets, Toronto, 29 June, 1887.

To certified copy of inquest papers in this matter, and search in old files at Crown Office for documents in connection therewith, &c., &c..... \$8 '00.

Memorandum by The Colonial Secretary to The Attorney-General.

Colonial Secretary's Office, Sydney, 23 September, 1887.

MR. WISE will be good enough to read these papers. The printed correspondence with the Melbourne *Herald* appears of itself sufficient to identify the Mr. Walker, against whom a Coroner's verdict of "murder" was returned in Toronto, with the Mr. Thomas Walker, one of the Members for Northumberland. Mr. Wise upon the papers will advise whether it is incumbent upon the Government to take any steps in the matter in vindication of the character and privileges of the Legislative Assembly.

H.P.

Minute for Cabinet by The Attorney-General.

I HAVE carefully perused the papers in this case, and am of opinion as follows:—

1. That the evidence discloses a strong *prima facie* case of murder against — Walker, and that the verdict of the jury to that effect is supported by the evidence.
2. That there can be no reasonable doubt, after reading the letter in the *Melbourne Herald*, that Thomas Walker, one of the Members for Northumberland, is the — Walker against whom this verdict was found and who absconded from justice.
3. That on being satisfied of these facts, and of the fact that Walker had no intention of meeting the charge by taking his trial, the House would be acting within its powers and in accordance with precedents by expelling him.
4. That the practice appears to be for a motion of expulsion to be moved by the Leader of the House.
5. That the House has been slow to accept any but the strongest proof that a Member was keeping out of the way of justice or was guilty of a charge until it was proved in court.
6. That it would therefore be desirable to obtain some expression of opinion from the Canadian authorities, whether they will apply for Walker's extradition; or, if not, why not?

I therefore advise that as a first step the Canadian authorities be communicated with by cable, informing them that there can be no doubt of Walker's identity and inquiring whether they will apply for his extradition.

B. R. WISE,
Attorney-General.

October 12, 1887.

The Colonial Secretary to The Inspector-General of Police.

My dear Mr. Fosbery,

17 October, 1887.

On mature consideration I have decided not to write to Sir John Macdonald, but to leave you to communicate with the proper officer of Police.

Your draft letter (herewith returned) appears to me to require no comment.

I return under sealed cover Mr. Walker's paper, which you had better keep.

Yours sincerely,
HENRY PARKES.

The Inspector-General of Police, New South Wales, to The Chief Constable, Toronto.

[Confidential.]

Sir,

18 October, 1887*.

Adverting to your letter dated the 5th of July last, respecting an inquest held upon one John Saunders in October, 1874, at which a verdict of murder was returned against one — Walker, who thereupon absconded from the country, I have now the honor to inform you that Thomas Walker, of whose identity with the accused there can be little or no doubt, is now a resident in this city.

I should therefore be glad to be informed, at your early convenience, whether the authorities of the Dominion will take action under the Imperial Fugitive Offenders' Act of 1881 (44 and 45 Vic., ch. 69) by sending an officer with the necessary documents to identify the accused and secure his extradition to Canada upon the charge pending against him.

I have, &c.,

EDMUND FOSBERY,
Inspector-General of Police of New South Wales.

* A reply was received on the 9th February, 1888, to this letter to the effect that the Canadian authorities declined to proceed further in the matter.—EDMUND FOSBERY, Inspector-General of Police.

Minute by The Colonial Secretary.

Colonial Secretary's Office, Sydney, 14 January, 1889.

THE enclosed papers speak for themselves. There can be no doubt that the Walker against whom a coroner's jury returned a verdict of "murder" in Toronto is identical with Thomas Walker, M.P. for Northumberland, who is a refugee from justice.

After the communication with the police of Toronto, some delay took place in considering whether any other representations should be made to the Government of the Canadian Dominion, and this with an unwillingness to take any step against a Member so violently opposed to the Government as Mr. Walker was, induced further hesitation on the part of present Ministers. No such cause for hesitation can now exist, and I think there can be no doubt that Parliament ought to be informed of the case affecting Mr. Walker's seat.

The Hon. G. R. Dibbs.

H.P.

Memorandum by The Colonial Secretary to The Inspector-General of Police.

[Confidential.]

18 January, 1889.

I SHOULD like the original correspondence and papers in the Thomas Walker inquiry case, and particularly the reply to Mr. Fosbery's letter to the chief constable of Toronto, received 9th February, 1888.

G.R.D.

All the papers relating to this matter are in the Colonial Secretary's office.—EDMUND FOSBERY, 18/1/89.
The Hon. the Colonial Secretary.

Memorandum by The Colonial Secretary to The Principal Under Secretary.

[Confidential.]

Colonial Secretary's Office, 21 January, 1889.

SIR HENRY PARKES has left me a printed paper, dealing with an inquiry into the past life of Mr. Thomas Walker, late M.P. for Northumberland, which I have carefully read, and find a very material document missing. I allude to the letter sent by the chief constable of Toronto to Mr. Fosbery, in reply to a letter of Mr. Fosbery's of 18th October, 1887, and referred to in a foot-note at bottom of last page of the papers.

I should like a statement from you, in writing, as to the whereabouts of the missing letter referred to.

G.R.D.

I have no knowledge whatever of the missing document. All the papers that I have seen on the subject are printed. Perhaps Mr. Fosbery might be able to throw some light on the subject.—C.W., 21/1/89.

I should like Mr. Fosbery's explanation.—G.R.D., 21/1/89. Urgent. The Inspector-General of Police.—C.W., B.C., 21/1/89.

The inquiry was a confidential one, made at the instance of Sir Henry Parkes personally. I transmitted the papers to him direct, including the letter from Canada, stating that no further action would be taken. I have noted this as submitted on the 9th of Feb., 1888.—EDMUND FOSBERY, B.C., 21/1/89. The Principal Under Secretary.

The Colonial Secretary to Sir Henry Parkes, G.C.M.G.

Sir,

Colonial Secretary's Office, Sydney, 23 January, 1889.

I have read the printed papers in the matter of Mr. Thomas Walker, covered by your letter to me of the 14th inst., and find that a highly material letter is missing from the correspondence.

The letter in question is referred to in the foot-note of the last page of the printed papers, and appears, so far as its contents are indicated in the foot-note, to evidence the abandonment of the imputation of the crime of manslaughter which the finding of the Coroner's jury had conveyed.

The Under Secretary of this Department has no knowledge of the missing document, but the Inspector-General of Police writes that he transmitted all the papers, including the missing letter, to you on the 9th February, 1888.

I know that you will give your aid in assisting to discover the document said to have been lost in your possession, but which must have been mislaid, seeing the importance of its recovery to the character of a late Member of Parliament.

I have, &c.,

GEORGE R. DIBBS.

The Principal Under Secretary to Sir Henry Parkes, G.C.M.G.

Sir,

Colonial Secretary's Office, Sydney, 6 February, 1889.

I am desired by the Colonial Secretary to request that you will kindly favour me with a reply to his letter of the 23rd ultimo, regarding the missing letter from the papers relating to Mr. Thomas Walker.

Yours truly,

CRITCHETT WALKER,
Principal Under Secretary.

Sir

Sir Henry Parkes, G.C.M.G., to The Colonial Secretary.

Sir,

Hampton Villa, Balmain, 7 February, 1889.

I have received two letters from you inquiring for papers, one being the reply of the police authorities of Toronto, in respect to the verdict of "murder" against Thomas Walker. * * *

During the two years I was in office as Colonial Secretary my private papers accumulated without being sorted or classified, and I have not found time since to go through them or arrange them.

In regard to the Walker case, I distinctly recollect that the letter in question was brought to me on receipt by the Inspector-General of Police; but whether it was left with me or not I cannot say. The letter, however, has no bearing at all on the facts of the verdict against Walker, and merely explained that the authorities at Toronto did not deem it expedient, owing to the death of witnesses and other circumstances, "to identify the accused, and secure his extradition to Canada upon the charge pending against him." That charge being "murder," and not "manslaughter," as erroneously stated in your letter of the 23rd ultimo, you will find by consulting the Inspector-General that it is in no sense "material" to the case itself.

* * * * *

Early next week I will examine all my papers, and if these or any other official documents are by accident amongst them they shall be immediately returned to the office.

I am, &c.,
HENRY PARKES.

Sir Henry Parkes, G.C.M.G., to The Principal Under Secretary.

Sir,

Balmain, 11 February, 1889.

I have been engaged yesterday and to-day sorting and arranging my papers, and I am glad to say I have found the letter from the Chief of Police, Toronto, to the Inspector-General of Police, Sydney, declining to take the necessary steps for the extradition of the absconder Walker.

You will observe that the envelope has little of an official appearance, and is addressed to me by name, which will account for its having been tied up in a bundle of my private letters.

This letter, however, has no bearing on the merits of the case against Walker, and merely shows that the Canadian Government (Ontario) were not disposed to incur the cost and trouble of his extradition.

I have, &c.,
HENRY PARKES.

[Enclosures.]

Sir,

Chief Constable's Office, Toronto, 28 December, 1887.

I have the honor to acknowledge the receipt of your letter dated 18th October last, relative to the above, and in reply thereto would state that I immediately transmitted it to the Deputy Attorney-General of Ontario for such action as the Provincial Government might think advisable to take. I now enclose a copy of his reply from which it would appear that the Government do not intend to take any steps for Walker's extradition to this country.

I have, &c.,
H. J. GRASSETT, C.C.

Dear Sir,

Department of Attorney-General, Ontario, Toronto, 23 December, 1887.

With reference to your letter of the 23rd instant and enclosure, I beg to advise you that the case is not one in which this Government would feel justified in taking proceedings to extradite the man named Walker. I notice that the offence occurred over 13 years ago, and after such a lapse of time it would be very difficult to procure the necessary evidence to establish the case of the Crown, even assuming that the person mentioned by Mr. Fosbery is the person charged with the offence. I have nothing before me showing the nature of the evidence taken at the inquest, and it does not appear whether the facts proved on the inquest were sufficient to establish a proper case for extradition. I return Mr. Fosbery's letter. The Coroner, who held the inquest, is, I believe, dead.

Yours truly,
E. T. B. JOHNSTON.
D.A.G.

H. J. Grasset, Esq., Chief of Police, Toronto.

Submitted for the Colonial Secretary's information and further instructions. I retain all the other papers for the present.—EDMUND FOSBERY, B.C., 9 Feb., 1888. The Hon. the Colonial Secretary.

Minute by The Colonial Secretary.

THESE papers now being complete by the delivery by Sir Henry Parkes of the Canadian authorities letter, I should like to have the whole papers printed in order of sequence, and a copy forwarded to Mr. Thomas Walker, M.P.

G.R.D., 19/2/89.

T. Walker, Esq., M.P., to The Colonial Secretary.

Hon. Sir,

The papers you have forwarded me for the purpose of enabling me to give what explanation I may have to offer of a painful accident which occurred when I was sixteen years of age, show clearly to what extent political malice may carry the free trade leader, Sir Henry Parkes, and his satellite, Mr. Wise.

I observe they have published from the *Melbourne Herald* a letter of condemnation from W. H. Terry, who admits in that letter that had I chosen to keep my mouth shut about him and his *seances* all the documents *re* the accident which caused the death of Saunders "in all probability would have remained unpublished." There is also a paragraph from the same paper, issued August 22nd, 1888, reflecting upon me, but not one of my letters of reply published in the same journal at that time is quoted, or even alluded to. Only that which will carry malice with it is permitted to appear, with apparently no other object than to ruin my future prospects, and to crush me out of political life.

You

You will have observed that the papers have been printed since my action in investigating the Hornsby-Holt-Sutherland affair. I may state that just before the close of the late Parliament I was informed that Mr. Abigail intended to use them when I should speak on the "Mountain Maid Mine," which you are aware I was ready to do the moment the Mining estimates were reached. However the House was dissolved without our reaching Mr. Abigail's estimates, and then Sir Henry Parkes left the already printed papers (from which I perceive he has deliberately suppressed at least one important document from Canada) for you to deal with.

About ten months ago, as nearly as I can remember, the ex Minister for Justice, Wm. Clarke, Esq., informed me that the late Government were aware of the Canadian accident; and he tried to cause me to believe that the Canadian authorities had been attempting to move the Parkes Government to take some action against me, but, he said, "The Government were going to take no steps in the matter." It seems, to use the very words of the ex Treasurer (Mr. Burns), however, that they "had a rod in pickle," which might be used against me at any time for no less a crime than performing my public duties.

I perceive the last date on the printed papers is the 9th February, 1888, twelve months ago. If there had been any charge against me it was the duty of the then leader of the House to have duly preferred it, but he took no steps in the matter until I was compelled to expose the suspicious transactions of his own Ministers, and then he has not the courage to make any charge himself, straightforwardly and openly, but he leaves behind him a weapon which he is cowardly enough to ask you to fire.

Now, as to the accident: I thought that nearly every one in Australia, who has at all watched my public career, was familiar with the particulars of it. I have never attempted to make any secret of it, and in proof of this I will quote for your information an extract from a work I published in June, 1882, and which I have sold up to the present at my public lectures. The work is entitled "Orthodoxy Unmasked," and I quote from pp. xii-xiv of the Introduction:—

First, then, let me take the accident itself. Its history is briefly this: In 1874, being 16 years of age, I was a farm labourer in Canada, working on the farm of John Bennet, of Markham, and afterwards of Michael Fisher, of Vaughan (whose son, my sister married) near Toronto. In October, the harvest season being over, I left the farm and remained a week or two at Toronto before going to England. I was a spiritualist at this time, and believed myself to be what, in spiritualistic phraseology, is termed a medium. In consequence of this I met with several Toronto spiritualists, and attended several seances. On one of these occasions I met with Mr. Saunders, and I afterwards stayed at the same hotel with him in Front-street, Toronto. During the time we were together we more than once speculated as to how the so-called physical phenomena of spiritualism were produced. We both of us firmly believed in them; but from hearing so much talk about phosphorus being the source of spirit-lights, or at all events a very close imitation of them, and being a lad at the time, I purchased a small portion of phosphorus, *in the stick*, for the purpose of seeing what effect it would have in this respect in the dark.

When the accident occurred I was thus experimenting in the bedroom occupied by Saunders and myself. I was totally ignorant of the chemical nature of the dangerous substance I had purchased. I took the stick out of the water, and, holding it in my left hand, made some marks with it on a piece of paper. As may be supposed, in a very short space of time indeed the phosphorus, by exposure to the atmosphere, ignited, and ran, in the form of a burning liquid, into my left hand. Mr. Saunders struck at the flame with his hand, and in this way burned himself.

Very early next morning I had to leave Toronto for Quebec *en route* for England, as I had purchased my ticket during the week, and had made all preparations for starting, in the shape of providing provisions and the other necessaries for my trip on the day previous. This I had done *before* the accident occurred. These are facts for which proof can be provided independently altogether of my testimony. The local agency in Toronto for the "Allen" line of steamers, will be able to show from its books that I had purchased my ticket for England, per the S.S. "Peruvian" before the unfortunate accident, and that, consequently, I was obliged to leave at the time I did, or otherwise I should have to forfeit my passage home, which at that time I could not afford to do. I am careful in the statements of these facts, because the most malicious portion of the passage from the *Medium and Daybreak* is where it states:—"But Walker left the city immediately after the occurrence, and was out of the reach of justice," by which it is implied, if not expressly stated, that I fled from justice. At that time there was no justice to flee from. From what I saw of Mr. Saunders after the accident his burn did not appear to be dangerous at all, and I remember that I consoled myself at the time with the belief that I was by far the greater sufferer. It must be borne in mind that Mr. Saunders did not die until after I was in England, and then not from the severity of the burns, but from tetanus, which of course the severity of the burns may have occasioned. But furthermore it must not be forgotten that tetanus can be produced from a multiplicity of causes, and that in some systems a very slight flesh wound is sufficient to induce it.

When in England, I learned of Mr. Saunders' death through a letter from my sister (Mrs. Fisher); I was grieved exceedingly, and shortly afterwards I resolved to go back to Canada that I might learn the real facts of the case. This resolution was strengthened by an offer of employment from my brother-in-law on his farm. I therefore borrowed the passage money from my benevolent friend Mr. E. Foster, chemist of Friargate, Preston, in Lancashire, and sailed for New York, from whence I departed for Toronto. I arrived in Toronto on a Sunday morning, and walked to Vaughan, some 15 or 16 miles, to the farm of my sister's father-in-law. It was here I read for the first time the verdict of the jury, which put a load upon my heart that seemed for a time to crush out every hope. The next morning I walked back to Toronto, on my way to my brother-in-law's farm, some little distance out of Toronto, near a small village called Ethel. * * * * I worked here for three months. In the meantime I wrote a letter to the Chief of Police at Toronto, stating that I had read the verdict of the jury on the death of Mr. Saunders, and that if there was any case against me I was perfectly willing to submit to a trial. I posted this letter with my own hands in the Ethel Post-office, so up to that point the destination of the letter is certain. Suffice it to say that, however it may be accounted for, I received no answer to my letter from that day to this. I have, therefore, naturally concluded ever since, that the chief of the police saw the absurdity of the verdict of the jury, and therefore declined to take any action in the matter.

I may add to this extract (from a work I published over six years ago, and of which I have sold some thousands of copies) that not only did I go back to Canada and communicate with the police, but when I started my career in America, as a lecturer, it was as "Thomas Walker." For over two years I lectured in all parts of America, and my whereabouts could have been ascertained at any moment. But it remained for Mr. Wise to insist upon a cablegram being sent to inform the Canadian authorities that he could put his hands upon me. The Canadian authorities could, long ago, if there had been a case against me, have dispensed with his impetuous, if not, malicious, advice. For the sake of contrast with the hasty and venomous opinion of the patriotic Attorney-General, who deserted his post because he could not make sufficient money out of it, I will quote the opinion of a Melbourne lawyer:—"As to the paragraph (making the charge) itself any lawyer will at once recognise that if any jury ever did arrive at such a verdict it was clearly an absurdity, and the subsequent inaction of the police is properly accounted for thereby. As your readers would naturally infer from your report (unaccompanied by Mr. Walker's statement made in Court yesterday) that he fled from justice, I feel that you will unhesitatingly publish this letter.—I am, &c., DAVID GAUNSON." *In Melbourne Daily Telegraph, June 24th, 1882.*

Had Mr. Wise been less eager for service to his *very scrupulous* chief; had he been less ridiculously impulsive and more thoughtfully careful and regardful of the honor and dignity of his office, he might have made a few inquiries nearer home, when he would have discovered that not only had I been to Canada and informed the police, but, that no loop-hole of accusation might be left, I had altogether dispensed with

the necessity for his cablegram and "an officer with the necessary documents to identify" me, by forwarding my address and admission of identity to the Chief of Police, Toronto, from Melbourne, over five years ago. Here it is as it appeared in the columns of the *Evening Herald* on the date affixed:—

MR. WALKER AND THE CANADIAN VERDICT.

4/12/83.

MR. THOMAS WALKER has handed us the following letter, which he states is a copy of a letter sent by him to the Chief of Police, Toronto, Canada, and we have been shown the receipt for a registered letter so addressed:—

"'Hypatia Cottage,' Park-street, Hawthorn, Melbourne, Australia, 5th September, 1883.

"To the Chief of Police, Toronto.

"Sir,—In 1874 I was the unwilling cause of a very unpleasant accident which occurred at O'Brien's Hotel, Front-street, in your city. I was 16 years of age at the time, and was about to leave for England, having my ticket in my pocket when the accident occurred. The circumstances of the accident are briefly these:—I was a spiritualist and was young and insane enough to further believe I was a medium. Staying at the same hotel (the one abovementioned) and sharing my bedroom with me was another spiritualist named Mr. Saunders. We attended several seances together, and were up to the time of the accident close friends. As nearly as I can recollect the time, about the 14th or 15th of September, as I was passing a chemist's shop, a foolish impulse seized me to buy a small piece of phosphorus in the stick for the purpose of seeing if spirit lights could be imitated (not produced, for I was then, and till long afterwards, a sincere believer in spiritualism). I was ignorant of the really dangerous nature of the chemical I had purchased, and on the 16th of September, the night before leaving for Quebec to join the s.s. "Peruvian," one of the "Allen line" steamers, bound for Liverpool, I took the stick out of the water with my left hand and rubbed it on a piece of paper I held in my right, Mr. Saunders being present with me in my bedroom. I had no idea, I may repeat, of my imminent danger. Whilst I was doing this, the stick, exposed to friction and the atmosphere, quickly ignited, and ran as a burning fluid into my left hand. I at once cried out with pain and fear, and my friend struck at my hand to extinguish the fire. In doing this he burned his hand, as I have since learned, severely. The landlord and others were soon in our room, and, after removing all possible danger of fire to the rooms, they asked what the matter was; to which I heard Mr. Saunders say, "That young fool has been fooling with phosphorous." The landlord ordered me out of the place at once. I went and stayed with some friends for the night, and, in accordance with my previous intention, departed early next morning on my way to England. I did not think Mr. Saunders was badly burned, or, at all events, as badly as I was burned, since I was holding the burning liquid in my left hand, and he simply struck at it. I learned after I had been in England some little time that Mr. Saunders was removed to the hospital, where he subsequently died from tetanus. In England I was a short time in the Brownlow Hill Hospital, Liverpool. As soon as I could I returned from England to Canada, and I, for the first time, read the verdict given at the inquest on Mr. Saunders' death at my sister's father-in-law's farm, Michael Fisher, of Vaughan. I then went to Ethel to stay with my brother-in-law, Thos. Fisher. From thence I wrote you a letter, which I posted with my own hands at the Ethel post-office. In this letter I offer to submit myself for trial if any charge were preferred against me. Owing to the republication of the verdict here, in consequence of the malicious persecution to which I have been subjected by some leading local spiritualists since my secession from spiritualism, and the way you speak in a letter to a Toronto publisher, I am of opinion the letter in question must have miscarried. I therefore write this for the same purpose, and with the same intention. I am willing to come to Toronto on my own account, and to stand my trial, on a definite charge being preferred, and if you do not think the verdict of the jury holding me responsible for Mr. Saunders' death an absurd one from the point of law and justice.

"As such a trip would be costly and painful (I should have to leave my wife here), I do not wish you simply out of haste or impulse to invite me to your city for the purpose I have indicated. And at the same time, as my life is likely to be a public one, I do not wish you to ignore the letter altogether. May I presume to ask you to give my case the consideration it deserves, and to make inquiries at the local office of the 'Allen line' to support my statement that I did not 'flee from justice,' but had my ticket for England in my possession at the time of the accident. I may state that I had been labouring on the farm of Mr. G. W. Bennett (since deceased), of Markham Village, prior to being in Toronto the few days (a fortnight or so, though I will not be sure of the exact time) during which the accident took place. Trusting you will act towards me with due consideration and justice.

I remain, &c.,
THOMAS WALKER."

Could mortal man do more than this? Why did not Mr. Wise and Sir Henry Parkes print this letter, since they could extract others against me from the same source? My second letter, which as you will see I took care to have registered and read in presence of witnesses before it was sealed, altogether obviates the terrible burry of this worthy pair of political scavengers. In 1883 the Chief of Police in Toronto read my letter. Five years later nothing but a cablegram will satisfy the patriotic Attorney-General, though Sir Henry it appears would be satisfied with a policeman sent for by the slow process of mail delivery. But neither the haste of Mr. Wise, nor the tardy malignity of Sir Henry Parkes, could effect their terrible purpose, for in the foot-note to their papers it is stated: "A reply was received on the 9th of February, 1888, to this letter to the effect that the Canadian authorities declined to proceed further in the matter." And the letter stating how or why they decline has been suppressed. What splendid specimens of a pair of lovers of justice!

I have now to state that so eagerly have I sought to answer any call of justice that I went, nearly six years ago, in the presence of two witnesses, and asked the Melbourne Police Department to take the matter up. I give you two letters I have received from these witnesses to substantiate this:—

Dear Mr. Walker,

342 William-street, Melbourne, 30 January, 1889.

I sent you all the papers I had having any reference to the Toronto accident. I remember something appearing in the *Herald* some weeks previously, but the copy I sent you was announced by the paper as being a copy of the whole of the evidence in connection with the case; they stated it was an official report of the case. On thinking over the matter I remember quite well one morning after a report appeared in the *Herald*, accompanying you and Mr. Stevenson to the Superintendent of Police, as witness, to the office opposite the Public Library, when you asked the officer in my hearing to move in the matter by communicating to the Toronto Police Department; they decline to do so saying it was not necessary as there was nothing in the *Herald's* reports that warranted them in moving in the matter.

If you still wish for further reports from the *Herald*, forward me the date of the printed report I sent you and I will look over the papers, and if I find anything I will forward you copies.

Yours faithfully,
J. S. ROBERTSON.

108, Elizabeth-street, Melbourne, 31 January, 1888.

MR. ROBERTSON has just read me this letter, and wishes me to confirm what is said *re* you going to the Superintendent of Police. I fully recollect going with you for the purpose of giving yourself up, when you were laughed at for taking any notice of the matter. I fully endorse all Mr. R. has said herein.

Yours, &c.,
F. W. STEVENSON.

In conclusion, I have only to point out that the evidence taken at the inquest shows:—

- 1st. That Mr. Saunders and myself were boarders at the same hotel.
- 2nd. That we shared the same bedroom.
- 3rd. That we were in our bedroom on the night of the accident.
- 4th. That no one in the place likely to know if such a thing had been going on was aware of any "exhibition." The landlord, the bookkeeper, and other boarders were ignorant of anything of the kind, which they could not have been, I repeat, had any "exhibition" really been taking place.
- 5th. That the witnesses all confused the attendance of Saunders and myself at other seances with the unhappy accident that occurred in our bedroom.

It

It is quite simple to explain how the jury arrived at their verdict. [I am again quoting from my work "Orthodoxy Unmasked."] It was only sufficient for them to know that I was a spiritualist, that Mr. Saunders was also one; that I was experimenting with phosphorus and had left Toronto, for, they knew not where, and that Mr. Saunders had died from tetanus, evidently in consequence of the accident; and so, having appearances against me, they very naturally supposed that I was afraid of remaining in Toronto because I was a guilty man. They therefore allowed their feelings to decide their judgments. They had no means of knowing my youth, and my ignorance, so far as I am aware, and for anything they knew to the contrary I might be a hardened sinner. With so much room for the play of imagination and feeling, guided by their natural prejudices, it might be expected that any ordinary jury would be likely to be severe in its conclusions upon an occurrence of this kind. Nevertheless, even after considering these facts, I trust I may be pardoned for saying that the verdict they gave was a disgrace to them.

I have complied with your request, Hon. Sir, and I now ask for neither mercy nor pity, but simple justice.

I have, &c.,

THOMAS WALKER.

Received, 21 February, 1889.—G.R.D.

Minute by The Colonial Secretary.

MR. WALKER having handed me his statement on the charges attempted to be made against him, let the whole now be printed, with the view of laying the completed papers upon the Table of the House.

G.R.D., 1/3/89.

Sydney : Charles Potter, Government Printer.—1889

[9d.]

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STANDING ORDERS.

REPORT

FROM THE

STANDING ORDERS COMMITTEE

WITH THE

PROPOSED STANDING ORDERS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

16 May, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

1889.

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

VOTES No. 9. WEDNESDAY, 3 APRIL, 1889.

- 15. STANDING ORDERS COMMITTEE (*Sessional Order*):**—Sir Henry Parkes moved, pursuant to Notice,—
That the Standing Orders Committee for the present Session shall consist of Mr. Speaker, Mr. McMillan, Mr. J. P. Abbott, Mr. Want, Mr. Dibbs, Mr. Gould, Mr. Street, Mr. Garrett, Mr. Edmunds, and the Mover, with leave to sit during any adjournment, and authority and power to send for persons, papers, and records, and to examine witnesses, and to report in any matter or thing referred to or pending before the said Committee, and to confer upon subjects of mutual concernment with any Committee appointed for similar purposes by the Legislative Council.
Question put and passed.
-

VOTES No. 14. TUESDAY, 16 APRIL, 1889.

- 4. STANDING ORDERS (*Formal Motion*):**—Mr. Wall, for Mr. J. P. Abbott, moved, pursuant to Notice,—
That the whole of the Standing Orders of this House be referred to the Standing Orders Committee for its consideration and report, with power from time to time to make progress reports to this House.
Question put and passed.
-

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

- 4. LIMIT OF SPEECHES:**—Mr. Waddell moved, pursuant to Notice,—
(1.) That, in the opinion of this House, it is desirable, in order to expedite public business, that the speeches of Honorable Members should be limited to time.
(2.) "That," with a view to carrying out this object, unless otherwise ordered, no Member shall occupy more than forty minutes in speaking to any subject, except the mover of a substantive motion, or the second reading of a Bill, in which cases he may occupy one hour and thirty minutes when addressing the House.
Debate ensued.
Mr. Garrard moved, That the Question be amended by the omission of all the words after the word "That," in the second paragraph, with a view to the insertion in their place of the words, "the Standing Orders Committee be requested to submit to the House a Standing Order dealing "with the Question."
Question proposed, That the words proposed to be omitted stand part of the Question.
Debate continued.
Question put,—That the words proposed to be omitted stand part of the Question.
The House divided.

Ayes, 10.

Mr. Fletcher,
Mr. Dibbs,
Mr. Slattery,
Mr. Traill,
Mr. Hutchison
(Glen Innes),
Mr. Copeland,
Mr. Cass,
Mr. Melville.
Tellers,
Mr. Crick,
Mr. Edmunds.

Noes, 51.

Mr. Bruce Smith,
Mr. William Stephen,
Mr. McMillan,
Mr. Sydney Smith,
Mr. Gould,
Mr. Carruthers,
Mr. Tonkin,
Mr. Brunner,
Mr. J. P. Abbott,
Mr. Harold Stephen,
Mr. Inglis,
Mr. Wilshire,
Mr. Barbour,
Mr. Frank Smith,
Mr. Cruickshank,
Mr. Garrard,
Mr. Greene,
Mr. Frank Farnell,
Mr. Dowel,
Mr. Wall,
Mr. Cullen,
Mr. Perry,
Mr. Creer,
Mr. McCourt,
Mr. Lakeman,
Mr. Abigail,
Mr. Wyman Brown,

Mr. Lees,
Mr. Cooke,
Mr. Nobbs,
Mr. Davis,
Mr. Waddell,
Mr. Seaver,
Mr. Alison,
Mr. H. H. Brown,
Mr. Hutchison
(Canterbury),
Mr. Bowman,
Mr. Wheeler,
Mr. Scobie,
Mr. Ewing,
Mr. Hogan,
Mr. Kidd,
Mr. Dawson,
Mr. Hawken,
Mr. Chapman,
Mr. Haynes,
Mr. King,
Mr. Paul,
Mr. Clubb,
Tellers,
Mr. Levien,
Mr. Nicoll.

And so it passed in the negative.

Question

Question put.—That the words proposed to be inserted in place of the words omitted, be so inserted.
The House divided.

Ayes, 48.

Mr. McMillan,	Mr. Harold Stephen,
Mr. Bruce Smith,	Mr. Ferry,
Mr. Brunker,	Mr. McRae,
Mr. Sydney Smith,	Mr. Hogan,
Mr. Gould,	Mr. Ewing,
Mr. Greene,	Mr. Cooke,
Mr. Carruthers,	Mr. Scobie,
Mr. William Stephen,	Mr. H. H. Brown,
Mr. Davis,	Mr. Hutchison
Mr. Levien,	(<i>Canterbury</i>),
Mr. Garrard,	Mr. Seaver,
Mr. Inglis,	Mr. Wall,
Mr. Frank Smith,	Mr. J. P. Abbott,
Mr. Nicoll,	Mr. Crickshank,
Mr. Bowman,	Mr. Haynes,
Mr. Wheeler,	Mr. Chapman,
Mr. Wilshire,	Mr. King,
Mr. Waddell,	Mr. Paul,
Mr. Cullen,	Mr. Clubb,
Mr. McCourt,	Mr. Dawson,
Mr. Abigail,	Mr. Alison.
Mr. Wyman Brown,	Tellers,
Mr. Dowel,	Mr. Nobbs,
Mr. Creer,	Mr. Barbour.
Mr. Lees,	
Mr. Lukeman,	

Noes, 12.

Mr. Dibbs,
Mr. Slattery,
Mr. Fletcher,
Mr. Traill,
Mr. Edmunds,
Mr. Copeland,
Mr. Cass,
Mr. Melville,
Mr. Kidd,
Mr. Hawken.

Tellers.

Mr. Hutchison
(<i>Glen Innes</i>),
Mr. Crick.

And so it was resolved in the affirmative.

Question then,—

- (1.) That in the opinion of this House, it is desirable, in order to expedite public business, that the speeches of Honorable Members should be limited to time.
- (2.) That the Standing Orders Committee be requested to submit to the House a Standing Order dealing with the question,—put and passed.

VOTES No. 26, THURSDAY, 16 MAY, 1889.

2. PROPOSED STANDING ORDERS:—Mr. J. P. Abbott, on behalf of the Chairman, brought up from the Standing Orders Committee a Report, with the Standing Orders prepared by that Committee, pursuant to the references of the 16th April and 7th May, 1889.
Ordered to be printed.

1889.

NEW SOUTH WALES.

STANDING ORDERS.

REPORT FROM THE STANDING ORDERS COMMITTEE

OF THE

LEGISLATIVE ASSEMBLY,

WITH THE

PROPOSED STANDING ORDERS.

THE STANDING ORDERS COMMITTEE, to whom was referred,—

- (1.) On the 16th April; 1889, the whole of the "Standing Orders of this House for its consideration and report, with power from time to time to "make Progress Reports to this House"; and
- (2.) On the 7th May, 1889, a request to submit to the House a Standing Order dealing with the question "that in the opinion of this House it is desirable, "in order to expedite public business, that the speeches of Honorable "Members should be limited to time,"—have agreed to the following Report:—

1. Your Committee, in accordance with the reference of the 16th April, 1889, having had under consideration the whole of the Standing Orders, have prepared, and have now the honor to present to your Honorable House, such Standing Rules and Orders as, in their opinion, ought to be adopted for the orderly conduct of the business of your Honorable House.

2. Your Committee having considered the request of the 7th May, 1889, further report that in their opinion it is not expedient to pass a Standing Order to further limit the time of speaking of Honorable Members.

JAMES HENRY YOUNG,
Chairman.

*Legislative Assembly Chamber,
Sydney, 15th May, 1889.*

1889.

PROPOSED STANDING RULES AND ORDERS

OF THE

LEGISLATIVE ASSEMBLY, NEW SOUTH WALES.

REPEAL OF PREVIOUS STANDING RULES AND ORDERS.

- All previous Standing Rules and Orders are hereby repealed.

CHAPTER I.

GENERAL CONDUCT OF BUSINESS.

- In all cases not specially provided for hereinafter, or by Sessional or other General Rule Orders, resort shall be had to the rules, forms, and usages of the Imperial Parliament, which shall be followed so far as the same can be applied to the proceedings of this House: Provided that nothing herein contained shall be deemed to render applicable any new Standing Order of the Imperial Parliament made since the 1st January, 1880, save so far as the same shall have been or shall be expressly adopted by this House.

CHAPTER II.

PROCEEDINGS ON THE OPENING OF A NEW PARLIAMENT.

- On the first day of the meeting of a new Parliament for the despatch of business, pursuant to the Governor's Proclamation, Members of the Assembly having met at the time and place appointed, the Clerk of the Assembly shall read the Proclamation and announce the receipt of the Writs of Election and the List of Members elected.

- The House shall await a Message from the Commissioners appointed by the Governor for opening the Parliament.

- On receiving the message from the Governor's Commissioners for opening the Parliament, the Members of the Assembly will attend at the place named in the Message to hear the Commission read.

- The Assembly having heard the Commission for opening the Parliament read, and being in their own Chamber, a Commissioner or the Commissioners appointed by the Governor for swearing Members shall be announced, and the Commission read by the Clerk.

- Members shall then be sworn or make affirmation as prescribed by law, and shall sign the roll; and the writ of election of each Member, with the return endorsed thereon, shall be produced by the Clerk on the oath or affirmation being administered to such Member.

For Speaker's election, Clerk acts as Chair man. 8. For the purpose of the election of a Speaker, the Clerk of the Assembly shall act as Chairman of the House, and in any debate at such election shall decide which Member is entitled to address the House.

A Member proposed as Speaker. 9. After the Members present have been sworn, a Member, addressing himself to the Clerk, shall propose some other member, then present, to the House, for their Speaker, and move that "Mr. —— do take the Chair of this House as Speaker."

If unopposed, such Member called to the Chair. 10. If only one Member be proposed and seconded as Speaker, he shall be called to the Chair of the House without a question being put.

He submits himself to the House. 11. Such Member on being called to the Chair, shall stand up in his place, and express his sense of the honor proposed to be conferred upon him, and submit himself to the House.

Again called and conducted to the Chair. 12. Being again called to the Chair, he shall be conducted from his seat to the Chair by the Members who proposed and seconded him.

When two or more Members proposed as Speaker. 13. If two or more Members be proposed as Speaker, a motion shall be made and seconded regarding each such Member, "That Mr. —— do take the Chair of this House as Speaker"; and each Member so proposed shall address himself to the House.

Mode of decision between candidates. 14. The Clerk shall then, in the order in which the Members have been proposed, put the question "That Mr. —— do take the Chair of this House as Speaker;" and if resolved in the affirmative the Member shall be conducted to the Chair, as provided in Rule No. 12, but if in the negative, or in the event of the numbers being equal, the question shall then be put by the Clerk "That (*the Member next proposed*) do take the Chair of this House as Speaker," and so on until a majority has been recorded in favour of one of the candidates.

The Speaker takes the Chair. 15. Having been conducted to the Chair, the Member so elected, standing on the upper step, shall return his acknowledgments to the House for the honor conferred upon him, and assume the Chair.

Appointment for presentation of the Speaker to the Governor. 16. Members having then congratulated the Speaker, a Member of the Government shall inform the House at what hour the Governor will be pleased to receive the House for the purpose of presenting to His Excellency their Speaker, and the House shall then adjourn to that hour, unless the Governor is prepared to receive the House at once.

The Speaker presents himself to the Governor. Lays claim to privileges. 17. The Speaker having resumed the Chair at that hour (in the event of the House having adjourned) shall proceed, with any Members then present, to Government House, for the purpose of presenting himself to the Governor; and at such presentation he shall, in the name and on behalf of the House, lay claim to their undoubted rights and privileges, and pray that the most favourable construction may be put upon all their proceedings; and, on returning, shall pass through the Assembly Chamber, and having resumed the Chair, shall report his presentation to the Governor, as well as the circumstance that he had laid claim, on behalf of the House, to their undoubted rights and privileges.

Time announced for the Governor addressing the Parliament. 18. A Member of the Government shall then inform the House at what hour the Governor will be pleased to summon the House for the purpose of hearing the reasons of His Excellency's calling the Parliament together; and the House may then adjourn to that hour.

Introduction of new Members. 19. A Member, returned at other than a general election, shall be introduced to the House by a Member.

When seated on petition. 20. Members seated on Petition need not be introduced.

21. Whenever the House shall be informed by the Clerk of the unavoidable absence of Mr. Speaker, the Chairman of Committees shall perform the duties and exercise the authority of the Speaker in relation to all proceedings of the House as Deputy-Speaker until the next meeting of the House, and so on from day to day, on the like information being given to the House, until the House shall otherwise order. Provided that if the House shall adjourn for more than twenty-four hours, the Deputy-Speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only after such adjournment.

22. If the Clerk intimate that the Speaker and Chairman of Committees both be absent, the House, if a quorum of Members be present, may at once proceed to elect one of their number to act as Deputy Speaker for that day only, the question being put by the Clerk without debate; and the Member so elected shall be, for the time being, in the same position in every respect as provided for the Chairman of Committees in Rule 21; otherwise the House will stand adjourned to the next sitting day, and such adjournment shall be declared by the Clerk.

23. In case of unavoidable absence or illness of the Clerk of the Assembly, the duties imposed upon him shall be performed by the Clerk-Assistant, or, in his absence, by the officer next in seniority.

24. When a vacancy has occurred in the office of Speaker during a Session, the Clerk of the Assembly shall report the same to the House at its first sitting afterwards, and the House shall forthwith proceed to the election of a new Speaker.

25. When a vacancy has occurred in the office of Speaker during recess, except by dissolution of the Parliament, the Clerk of the Assembly shall report the same to the House on its return from hearing the Governor's Speech on opening the next Session, and it shall forthwith proceed to the election of a new Speaker.

26. When a vacancy has occurred in the office of Speaker, during the currency of a Parliament, the new Speaker, on being presented to the Governor, does not lay claim to the privileges of the House.

Privileges not claimed by Speaker elected during currency of Parliament.

CHAPTER III.

OPENING OF A SESSION OF PARLIAMENT.

27. On the first day of the meeting of Parliament for the despatch of business, pursuant to the Governor's Proclamation, Members of the Assembly having met at the time and place appointed, the Clerk of the Assembly shall read the Proclamation.

28. The House shall await a Message from the Governor.

Message from Governor.

29. When the reasons for calling Parliament together are announced by Commissioners appointed by the Governor, the same forms shall be observed by the Assembly as when the Governor opens Parliament in person.

by when Parliament opened by Commissioners.

30. On the receipt of the Message to attend the Governor to hear his Speech, the Speaker with the House shall attend at the place appointed by the Governor.

House hears the Governor's speech.

31. The Speaker and the House having heard the Governor's Speech, and being in their own Chamber, the House may then adjourn during pleasure.

House returns to its own Chamber.

32. Before the Governor's Speech is reported to the House by the Speaker, some formal motion shall be made, or formal business transacted.

Some formal business first transacted.

33. The Speaker shall then report that the House had that day attended the Governor, and that His Excellency had been pleased to make a Speech to both Houses of Parliament, of which Speech the Speaker had, for greater accuracy, obtained a copy, which he will then read to the House.

The Speaker reports the Governor's Speech.

34. The Speech having been read, a Select Committee shall be appointed to draw up an Address to be presented to the Governor in reply, and His Excellency's Speech shall be referred to such Committee.

Address in reply agreed to and presented to the Governor.

35. The Address being reported by the Committee, may be at once taken into consideration, or be ordered to be printed, and a future day fixed for its consideration; and having been adopted by the House, with or without an amendment, shall be presented to the Governor by the Speaker, accompanied by the Mover and Seconder and such Members of the House as shall think fit to attend, at such time as the Governor shall inform the Speaker it will be His Excellency's pleasure to receive the House.

Only formal business before adoption of Address.

36. No business beyond what is of a formal character shall be entered upon before the Address in reply to the Governor's Opening Speech has been adopted.

Meeting of the House.

37. The Bell shall be rung two minutes prior to Mr. Speaker taking the Chair.

Time of meeting.

38. The Speaker shall take the Chair within half an hour after the time appointed for the meeting of the House, and if at the expiration of such half-hour there be not a Quorum of Members present, shall adjourn the House to the next sitting day; the names of the Members present being entered on the Votes and Proceedings.

House proceeds to business on return from attending the Governor.

39. When the attendance of the House has been desired by the Governor, the House, on its return, will proceed with business, although less than a Quorum be present, until notice be taken thereof.

Want of Quorum.

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

Attention called to no Quorum, all Members to remain.

41. When the attention of the Speaker, or of the Chairman of Committees, has been called to the fact that there is not a Quorum present, no Member shall leave the Chamber until the House has been counted by the Speaker.

Attention called when Quorum actually present.

42. Any Member calling attention to the absence of a Quorum when a Quorum is actually present shall be deemed guilty of disorder.

Names of Members present at count out.

43. Upon every occasion when the House is counted out, the names of Members present shall be taken down by one of the Clerks Assistant, and be entered in the Votes and Proceedings.

House only adjourns by its own resolution, with exceptions.

44. Except in the cases mentioned in Rules 22, 38, and 40, when the Speaker adjourns the House without putting a Question, the House can only be adjourned by its own resolution.

Motions for adjournment.

45. No motion for the adjournment of the House shall be entertained until the formal business shall have been disposed of, and then only for the purpose of discussing a definite matter of urgent public importance, the subject of which shall be first stated to the Speaker in writing.

Motion to be supported by at least five Members.

46. When the motion is proposed "That this House do now adjourn," such motion shall be openly proposed without any words from the mover in support, and shall only be proceeded with on five other Members rising in their places to support it.

47. On the question being proposed "That this House do now adjourn," the mover shall not exceed one hour in speaking in support of such motion, and any other Member speaking to such motion, or the mover in reply, shall not exceed twenty minutes, and every Member making or speaking to any such motion shall confine himself to the one subject in respect to which the motion has been made.

48. No second motion for the adjournment of the House shall be made on the same day, except by the consent of the House obtained by question from the Chair, without debate.

49. Nothing contained in Rules 45, 46, 47, and 48 shall apply to the usual motion of adjournment by a member of the Government to terminate the sitting of the House.

CHAPTER V.

RECORDS OF THE HOUSE.

50. Every Vote and Proceeding of the House shall be recorded by the Clerk of the Assembly, and the Votes and Proceedings of the House shall, being first perused by the Speaker, be printed by the Government Printer; and the Votes and Proceedings, so printed from day to day, signed by the Speaker and countersigned by the Clerk, shall be the Journals of the House.

51. The custody of the Votes and Proceedings, Records, and all documents whatsoever laid before the House, shall be in the Clerk, who shall neither take, nor permit to be taken, any such Votes and Proceedings, Records, or Documents, from the Chamber or Offices, without the express leave or order of the Speaker.

CHAPTER VI.

ATTENDANCE AND PLACES OF MEMBERS.

52. A Record of the Members of the House shall be kept by the Clerk, in which shall be entered the name of each Member, the date of his election, the date of his taking his seat, and, on his ceasing to be a Member, the date and the cause thereof.

53. Every Member is bound to attend the service of the House, unless leave of absence be given to him by the House.

54. Leave of absence, not exceeding the remainder of the then Session, may be given by the House to any Member, for any sufficient cause, to be stated to the House.

55. Notice shall be given of a motion for giving leave of absence to any Member, stating the cause and period of absence.

56. A Member shall be excused from service in the House, or on any Committee, so long as he has leave of absence.

57. Any Member, having leave of absence, shall forfeit the same by attending the service of the House, before the expiration of such leave.

58. No Order for a Call of the House shall be made for any day earlier than fourteen days from the day on which such order shall have been made.

59. A notice of the order for a Call of the House, signed by the Clerk, shall be forwarded by post to each Member of the Assembly.

60. For the purpose of enabling this notice to be given, every Member shall, at the commencement of each session, or as soon as he shall have taken his seat, enter his name and address in a book to be kept by the Clerk of the House.

61. The order for Calling over the House on a future day shall be set down as the first Order of the Day for the day so appointed.

62. Call of the House as Order of the Day.

Order of calling the names.

62. When the Order of the Day for Calling over the House is read, unless the same be postponed or discharged, the names of the Members shall be called over by the Clerk alphabetically.

Members not present, but subsequently attending.

63. The names of all Members, who do not answer when called, shall be taken down by the Clerk, and subsequently called over a second time; when those who answer, or afterwards attend in their places on the same day, are ordinarily excused.

Members may attend on a future day.

64. Members not attending in their places on the same day may be ordered to attend on a future day, when, unless they attend, or a reasonable excuse be offered for their absence, they will be dealt with for their default as the House may think fit.

Ministerial Bench.

65. The front bench on the right hand of the Chair shall be reserved for Members holding office under the Crown.

Member to be uncovered when not seated.

66. Every Member shall be uncovered when he enters or leaves the House, or moves to any other part of the House during the debate; and shall make obeisance to the Chair on entering or leaving the Chamber.

Not to pass between Chair and Table.

67. No Member shall pass between the Chair and the Table.

Not to obstruct passages.

68. Every Member of the House, when he comes into the House, shall take a seat, and shall not stand in any of the passages or gangways.

CHAPTER VII.

STRANGERS.

Admission of.

69. The Speaker only shall have the privilege of admitting Strangers to the space at the back of the Speaker's Chair, or to the Lower Gallery; but every Member shall have the privilege of admitting, by orders, not transferable, two Strangers to the Upper Gallery.

Notice taken of presence of.

70. When the Speaker or the Chairman of Committees, as the case may be, has been notified by a Member that strangers are present, and five other Members rise in their places in token of their support to the objection, the Speaker or Chairman of Committees shall, and he may at any time, order the strangers to withdraw.

Not admitted into body of House.

71. No Member shall bring any Stranger into any part of the Chamber appropriated to the Members of the House, while the House or a Committee of the whole House is sitting.

Or to Secret Committee.

72. No Stranger shall be admitted at any time to a Secret Committee.

CHAPTER VIII.

ROUTINE OF BUSINESS.

Routine of business.

73. The House shall proceed each day with its ordinary business, in the following routine:—1. Questions on notice. 2. Presentation of Petitions. 3. Questions without notice, and giving Notices of Motions and Questions. 4. Formal Business (including the placing of business). 5. Motions and Orders of the Day, or *vice versa*, as set down on the Notice Paper.

Presentation of Papers.

74. Messages between the Legislative Council and Assembly, Papers, and Returns may be presented at any time when other business is not before the House.

CHAPTER IX.

QUESTIONS SEEKING INFORMATION FROM THE GOVERNMENT.

Questions respecting public business.

75. Questions may be put to Ministers of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of the House, in which such Members may be concerned, and the Clerk shall enter upon the Votes and Proceedings the Questions of which formal notice shall have been given with the answers returned to the same.

76. In putting any such Question, no argument or opinion shall be offered, Questions not to involve nor any facts stated, except so far as may be necessary to explain such Question. argument.

77. In answering any such Question, a Member shall not debate the matter No debate allowed. to which the same refers.

78. When Questions are put without notice, neither the Question nor reply Questions without notice. shall be recorded in the Votes and Proceedings.

79. Notices of Questions shall not be openly read, but shall be handed to one Time for giving notices. of the Clerks at the Table before the Formal Business is entered upon as prescribed by Rule 73.

80. Answers to Questions of which notice has been given, shall not be openly ^{Answers.} read in the House, but written answers (in duplicate) shall be handed in to the Clerk.

CHAPTER X.

PETITIONS.

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

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

83. Every Petition must be written in the English language, and must be To be in English. free from interlineations or erasures.

84. Every Petition shall be signed by at least one person on the skin or To be signed on same sheet. sheet on which the Petition is inscribed.

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

86. Every signature shall be written upon the sheets bearing, or attached to Signatures not to be transferred. the Petition itself, and not pasted upon or otherwise transferred thereto.

87. All Petitions shall be received only as the Petitions of the parties signing To be received only as from the persons signing. the same.

88. Petitions of Corporations aggregate must be made under their common Petitions from Corporations. seal.

89. No letters, affidavits, or other documents shall be attached to any No documents to be attached. Petition, except it be a Petition for a Private Bill, when the *Gazettes*, and news-papers containing the necessary advertisements, may be attached, with a copy of Exception. the Bill.

90. No reference shall be made in a Petition to any debate in Parliament. No reference to debates.

91. Every Petition shall be respectful, decorous, and temperate in its Language of. language.

92. Petitions can only be presented to the House by a Member. Presented by a Member.

93. A Member cannot present a Petition from himself. From Members.

94. Every Member presenting a Petition to the House shall affix his name Members to affix their names. at the beginning thereof.

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

96. Every Member presenting a Petition shall take care that the same is in Rules of the House to be observed. conformity with the rules and orders of the House.

97. No Petition shall, either directly or indirectly, pray for a grant of public Not to pray for money. money.

Mode of presenting.

98. Every Member presenting a Petition, not being a Petition for a Private Bill, or relating to a Private Bill before the House, shall confine himself to a statement of the parties from whom it comes—of the number of signatures attached to it—of the material allegations contained in it—and to the reading of the prayer thereof; and the only Question which shall be entertained by the House, on the presentation of any Petition, shall be, "That the Petition be received," which question shall be decided without amendment or debate.

Printing of.

99. The Clerk shall cause to be printed, as a matter of course, all Petitions received by this House (excepting Petitions for the introduction of Private Bills), unless it be otherwise ordered by the House: Provided that when several Petitions are presented substantially to the same effect, he shall cause to be printed only the one first presented, to which he shall append a statement of the number of other Petitions, the general designation of the party or parties to each, and the number of signatures attached.

CHAPTER XI.

NOTICES OF MOTIONS.

Notice of Motion given in writing.

100. Every Member on giving Notice of a Motion shall read it aloud, and deliver at the table a copy of such notice, fairly written, signed by himself and showing the day proposed for bringing on such Motion.

Notice given for an absent Member.

101. A Member, on being duly requested, may give notice for any other Member not then present, by putting the name of such Member on the Notice of Motion, in addition to his own.

Postponement of Motion.

102. A Member desiring to change the day for bringing on a Motion, may give notice of such Motion for any day subsequent to that first named, but not earlier, subject to the same rules as other Notices of Motion.

Time for receiving Notices.

103. No Notice of Motion shall be received except at the time prescribed by Rule 73.

Unbecoming Notices expunged.

104. If any Notice contains unbecoming expressions, the Speaker may order that it shall not be printed, or it may be expunged from the Notice Paper, by order of the House.

Giving more than one Notice.

105. No Member (except a Minister) may give two Notices of Motion consecutively.

Notices taking precedence.

106. Any Notice of Motion for a special adjournment or which relates to the Privileges or Business of the House shall take precedence of all other Notices of Motions or Orders of the Day.

CHAPTER XII.

FORMAL BUSINESS AND BUSINESS OF THE HOUSE.

Formal Motions or Orders of the Day.

107. Every Motion or Order of the Day for the third reading of a Bill, to which, on the Question being put from the Chair—"Whether there is any objection to its being a 'Formal' Motion or Order of the Day?"—no objection shall be taken, shall be deemed to be a "Formal" Motion or Order of the Day.

Business paper to be called over for "Formal" Business.

108. Before the Ordinary Business of each day shall be entered upon, Mr. Speaker shall call over the various Notices of Motions and Orders of the Day for third reading of Bills; and on any such Motion or Order being called it shall be competent for the Member otherwise entitled to move it to have the above question put with reference thereto; and such "Formal" Motions or Orders of the Day shall be disposed of in the relative order in which they stand on the Business Paper, taking precedence of all the other Motions and Orders of the Day.

No debate allowed.

109. No debate shall be allowed upon any such "Formal Motions or Orders of the Day," or upon the further proceedings consequent on the reading of such Orders, but the House may proceed to division thereupon, without amendment or debate, as in the case of the motion for the first reading of a Bill.

110.

110. No motion for the appointment of a Select Committee, excepting upon Motions for a Private Bill, shall be held to be a "Formal" Motion.

111. The motion for leave to bring in a Private Bill shall be put from the Chair as a Formal Motion, no objection being allowed.

112. After calling over the various Notices of Motions and Orders of the Day for third reading of Bills for disposal as "Formal Business," Mr. Speaker shall again go through the Business Paper for the day to permit Members, without debate, to withdraw or postpone Notices of Motions or Orders of the Day on the Business Paper for that Day; and any Notices of Motions or Orders of the Day not so withdrawn or postponed, shall retain their relative positions on such Business Paper.

CHAPTER XIII.

PUBLIC MONEY.

113. This House will not proceed on a question involving the expenditure of public money or any charge upon the Public Revenue or upon the people, except in a Committee of the Whole on a day fixed by motion at a previous sitting; no debate being allowed on such motion.

114. This House will not proceed upon any Petition, Motion, or Bill, for granting any money, or for releasing or compounding any sum of money owing to the Crown, but in a Committee of the Whole House.

CHAPTER XIV.

RULES OF DEBATE.

115. Every Member desiring to speak shall rise in his place uncovered, and address himself to the Speaker, and may, if he thinks fit, advance thence to the table for the purpose of continuing his address.

116. By the special indulgence of the House, a Member unable conveniently to stand, by reason of sickness or infirmity, will be permitted to speak sitting and uncovered.

117. When two or more Members rise together to speak, the Speaker shall call upon the Member who, in his opinion, first rose in his place.

118. By the indulgence of the House, a Member may explain matters of a personal nature although there be no question before the House; but such matters may not be debated.

119. No Member may speak more than once to a Question before the House, except in explanation or reply, or in Committee of the whole House.

120. A Member who has spoken to a Question may again be heard, to explain himself in regard to some material part of his speech, but shall not introduce any new matter, or interrupt any Member in possession of the chair.

121. A reply shall only be allowed to a Member who has made a substantive Motion to the House, or moved the second or third reading of a Bill.

122. A reply will also be allowed to the Mover of a substantive Motion, although the debate thereon, by being adjourned, becomes an Order of the Day.

123. The Speaker shall, without waiting for the interposition of the House, call to order any Member, other than those provided for in the four last preceding rules, proceeding to speak a second time on the same Question: Provided that it shall be competent to a Member, when he seconds a Motion or Amendment before the House, without speaking to it, to address the House on the subject of such Motion or Amendment at any subsequent period of the debate.

124. A motion may be made that any Member who has risen "Be now heard," or "Do now speak," and must be decided without debate.

Debates of same session not to be alluded to.

Speeches of same Session not to be read.

Extracts referring to debates not to be read.

Reflections upon votes of the House.

Allusion to debate in the other House.

Use of the Queen's name.

Offensive words against either House.

No Member to be referred to by name.

Offensive words against a Member.

Digressions, imputations, and reflections.

Question may be requested to be stated.

When the Speaker rises.

Or puts the Question : Interruptions.

Interruption not allowed. Exceptions.

Speaker or Chairman may call attention to irrelevancy and order discontinuance of speech.

Speaking "To Order" or Privilege.

Precedence to Question of Order or Privilege.

Proceedings on Question of Order.

Disagreement with Speaker's ruling.

125. No Member shall allude to any debate of the same Session, upon a Question or Bill not being then under discussion, except by the indulgence of the House for personal explanations.

126. No Member shall read the report of any speech made in Parliament during the same Session.

127. No Member shall read extracts from newspapers or other documents referring to debates in the House during the same Session.

128. No Member shall reflect upon any vote of the House, except for the purpose of moving that such vote be rescinded.

129. No Member shall allude to any debate in the other House of Parliament, or to any measure impending therein.

130. No Member shall use Her Majesty's nor the Governor's name irreverently in debate, not for the purpose of influencing the House in its deliberations.

131. No Member shall use offensive words against either House of Parliament, or against any Statute, unless for the purpose of moving for its repeal.

132. No Member shall refer to any other Member by name, except for the purpose of distinguishing him from other Members returned for the same Electoral District.

133. No Member shall use offensive or unbecoming words in reference to any Member of either House of Parliament.

134. No Member shall digress from the subject matter of any Question under discussion ; and all imputations of improper motives, and all personal reflections on Members, shall be deemed disorderly.

135. Any Member may request that the Question or matter in discussion be stated for his information at any time during the debate, but not so as to interrupt a Member speaking.

136. Whenever the Speaker rises during a debate, any Member then speaking or offering to speak shall sit down, and the House shall be silent, so that the Speaker may be heard without interruption.

137. When the Speaker is putting a Question, no Member shall walk out of or across the Chamber ; nor, when a Member is speaking, shall any Member hold discourse to interrupt him.

138. No Member shall interrupt another Member whilst speaking, unless (1) to request that his words be taken down ; (2) to call attention to a point of Order ; or (3) to call attention to the want of a Quorum.

139. The Speaker or the Chairman of Committees may call the attention of the House or the Committee to continued irrelevance or tedious repetition on the part of a Member, and may direct such Member to discontinue his speech : Provided that the Member so directed shall have the right to require the Speaker or Chairman to put the Question that he be further heard, and such Question shall be put without debate.

140. Any Member may rise to speak upon a matter of Privilege suddenly arising, or "to Order," subject to rule 142.

141. All matters of Privilege and questions of Order at any time arising shall, until decided, suspend the consideration and decision of every other Question.

142. Upon a Question of Order being raised, the Member called to Order shall resume his seat, and after the Question of Order has been stated to the Speaker by the Member rising to Order, the Speaker may give his decision thereon, or he may first hear further argument thereon, at his discretion.

143. Any Motion disagreeing with a ruling or decision of the Speaker, shall be moved immediately the ruling is given or upon notice given on either of the next three sitting days of a Motion expressing such objection or disagreement, and such Motion shall have precedence of all other business on the day for which it is set down.

144. If any objection is taken to a decision of the Chairman of Committees, Objection to such objection must be taken at once; and having been stated in writing, and if the Committee so decide, the Chairman shall leave the Chair, and the matter be laid before the Speaker; and having been disposed of, the Speaker shall leave the Chair without question put, and the proceedings in Committee shall be resumed where they were interrupted.

145. When any Member objects to words used in debate, and desires them to be taken down, the Speaker may direct them to be taken down by the Clerk accordingly.

146. In a Committee of the whole House, the Chairman shall direct words objected to to be taken down, if so ordered by the Committee without debate, in order that the same may be reported to the House.

147. Every such objection must be taken at the time when such words are used, and not after any other Member has spoken.

148. Any Member having used objectionable words, and not explaining or retracting the same, or offering apologies for the use thereof to the satisfaction of the House, shall be named by the Speaker as guilty of a wilful and vexatious breach of the Standing Orders, and any Member so named shall sit down, unless permitted to explain.

149. The House will interfere to prevent the prosecution of any quarrel between Members, arising out of debates or proceedings of the House, or any Committee thereof.

150. No Member shall converse aloud or make any noise or disturbance whilst any Member is debating, or whilst any Bill, Order, or other matter is being read or opened; and in case of such noise or disturbance being persisted in after the Speaker has called to Order, the Speaker shall name the Member as guilty of a wilful and vexatious breach of the Standing Orders.

151. When, in consequence of disorderly conduct, the Speaker shall call upon any Member by name, such Member shall withdraw as soon as he has been heard in explanation; and after such Member's withdrawal the House shall at once take the case into consideration.

152. In the case of a charge against a Member, for any breach of the Orders of the House, or for any matter that has arisen in debate, the charge shall be stated, and the Question moved, before the Member accused shall withdraw; he shall then be allowed the opportunity of explaining to the House the motives of his conduct in the matter alleged against him; and, after having so done, he shall withdraw, when the House shall at once take the case into consideration.

153. The rules for maintaining order in debate shall be observed in every Committee of the whole House.

154. Order shall be maintained in the House by the Speaker, and in a Committee of the whole House by the Chairman of Committees; but disorder in a Committee can only be censured by the House on receiving a report.

155. A debate may be adjourned on motion, duly seconded, either to a later hour of the same day, or to any other day.

156. The Member upon whose Motion any debate shall be adjourned by the House shall, if he rises in his place, be entitled to pre-audience on the resumption of the debate.

157. In the event of a Motion for the adjournment of the debate upon any Question being negatived, the Member moving the motion for such adjournment may not address the House at any time during such debate.

158. If a debate on any Motion or Order of the Day be interrupted by the House being counted out, such Motion or Order may be restored to the paper for a future day, on Motion with notice, but without debate; and then such debate shall be resumed at the point where it was so interrupted.

159. If the debate on any Question in a Committee of the whole House be similarly interrupted, the House may order, on Motion with notice, but without debate, the resumption of such Committee on a future day, and the debate on such Question shall then be resumed at the point where it was so interrupted.

Motion may
be made
“That Ques-
tion be now
put.”

160. At any time during the proceedings of the House, or during the proceedings of a Committee of the Whole, any Member may move without debate “That the Question be now put”; and such motion shall then be put without debate, but shall not be decided in the affirmative unless by a vote of at least forty Members in favour thereof, and if such motion be carried, the Speaker or the Chairman of Committees, as the case may be, shall forthwith put the Question to the vote: Provided that whenever the House or a Committee of the Whole House shall have decided that any question shall be put, thereupon, and after the House shall have so decided, but before such question shall be put, the mover, proposer, or introducer of the matter pending (where any reply is now allowed by the Rules of the House), shall be permitted to speak in reply, but shall not speak on such reply for more than thirty minutes.

No Member to
speak after
Question put.

161. No Member may speak to any Question after the same has been put by the Speaker and the voices have been given in the affirmative and negative thereon.

Speaking to
Order during
Division.

162. A Member speaking to a point of Order, when the House is in Division, must remain seated.

Decision on
point of Order
during
Division.

163. If any difficulty arise on any point of Order during a Division, the Speaker shall decide it; subject, however, after the division, to the ulterior decision of the House.

CHAPTER XV.

QUESTIONS FROM THE CHAIR.

Question
proposed by
the Speaker.

164. When a Motion has been made and seconded, a Question thereupon shall be proposed to the House by the Speaker.

Resolutions
to be put
seriatim.

165. When a Motion consists of more than one resolution, such resolutions shall be put *seriatim* if any Member so require.

Previous
Question.

166. A Question may be superseded by the Previous Question.

Form of
previous
Question.

167. The Previous Question shall be put in the form “That that Question be now put” and if it be resolved in the affirmative, the original Question shall be put forthwith, without amendment or debate, but if it be resolved in the negative, the House shall proceed to the next business on the Notice Paper.

Previous
Question with
regard to
series of
resolutions.

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

Division of
complicated
Question.

169. The House may, by motion, without debate, order a complicated Question to be divided.

Question put.

170. So soon as the debate upon a Question shall be concluded, the Speaker shall put the Question to the House; and if the same should not be heard, shall again state it to the House.

Question
determined
by the voices.

171. A question being put shall be resolved in the affirmative or negative, by the majority of voices, “Aye” or “No.”

Or by a
division of
the House.

172. The Speaker shall state whether, in his opinion, the “Ayes” or the “Noes” “have it”; and unless his opinion be acquiesced in, the Question shall be decided by a Division of the House.

The same
Question not
to be again
proposed.

173. No Question shall be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the affirmative or negative.

Resolution
or vote
rescinded.

174. No resolution or other vote may be rescinded during the same Session, except after seven days notice,

CHAPTER

CHAPTER XVI.

AMENDMENTS.

175. A Question having been proposed may be amended by leaving out certain words; by leaving out certain words in order to insert or add other words; or by inserting or adding words.

176. An Amendment to any Motion before the House must, if required by the Chair, be in writing.

177. An Amendment proposed but not seconded shall not be entertained by the House, nor entered in the Votes.

178. When the proposed Amendment is to leave out certain words, the Speaker shall put a Question, "That the words proposed to be left out stand part of the Question."

179. When the proposed Amendment is to leave out certain words in order to insert or add other words, the Speaker shall put a Question "That the words proposed to be left out stand part of the Question," which, if resolved in the affirmative, shall dispose of the Amendment; but, if in the negative, another Question shall be put, "That the words proposed to be inserted" [or "added"] "be so inserted or added."

180. When the proposed Amendment is to insert or add certain words, the Speaker shall put a Question "That the words proposed to be inserted" [or "added"] "be so inserted [or "added."]

181. No Amendment shall be proposed in any part of a Question after a later part has been amended, or has been proposed to be amended, unless the proposed Amendment has been, by leave of the House, withdrawn.

182. No Amendment shall be proposed to be made to any words which the House has resolved shall stand part of the Question, except it be the addition of other words thereto.

183. A proposed Amendment may be, by leave of the House, withdrawn.

Proposed Amendment withdrawn.

184. Amendments may be proposed to a proposed Amendment as if such proposed Amendment were an original Question.

Amendments to proposed Amendments.

185. When Amendments have been made, the main Question, as amended, shall be put.

Question as amended put.

186. When Amendments have been proposed, but not made, the Question shall be put as originally proposed.

When Amendments proposed, but not made.

CHAPTER XVII.

DIVISIONS.

187. A Division cannot be called for, unless voices have been given both for the Ayes and Noes.

When no Division,

188. A member calling for a Division shall not leave the House, and shall vote with those who, in the opinion of the Speaker, were in the minority.

Member calling for Division.

189. No Member shall be entitled to vote in any Division upon a Question in which he has a direct pecuniary interest, and the vote of any Member so interested shall be disallowed.

No Member to vote if personally interested.

190. No Member shall be entitled to vote in any Division, unless he be present in the House when the Question was put with the doors locked, and the vote of any Member not so present shall be disallowed.

No member to vote unless present when the Question put with doors locked.

191. Previously to any Division, Strangers shall, if ordered, withdraw from the body of the House.

Strangers withdraw.

Division Bell rung, glass turned, and doors locked.

Question put and division taken.
Tellers.

Members present must vote.

If only one Member.

Members counted, and names taken down.

Division lists recorded.

In case of error, House again divides.

Mistakes corrected in Votes and Proceedings.

When votes are equal, Speaker gives Casting Vote.

Divisions in Committee.

No Motion to be made without previous Notice.
Exceptions.

Position of Motions on Notice Paper.

Precedence of Motions.

Remainders.

Precedence to Question of Privilege.

192. So soon as a Division shall have been demanded, the Division Bell shall be rung, and one of the Clerk's assistant shall simultaneously turn a Minute glass, and the doors shall be locked immediately after the lapse of one minute, as indicated by such Minute glass, and then no Member shall enter or leave the House until after the Division.

193. When the doors have been locked, the Speaker shall put the question to the House, and the Members present shall take their seats, the "Ayes" to the right, and the "Noes" to the left of the Chair respectively, and the Speaker shall appoint Tellers—two of each Party; and shall declare which has the majority, from lists of the Members voting on each side to be handed to him by the Tellers; and, in the event of the Tellers not agreeing, the Speaker shall appoint other Tellers, and so from time to time until the Tellers shall have agreed.

194. Every Member present in the House when the Question is then put, will be required to remain and vote.

195. In case there should be only one Member on a side on a Division, the Speaker, without completing the Division, shall forthwith declare the resolution arrived at.

196. Members having taken seats, as far as possible, every Member shall then be counted, and his name taken down by the Tellers on either side, who shall sign the list, and present the same to the Speaker, who will declare the result to the House.

197. An entry of the lists of Divisions in the House shall be made by the Clerk in the Votes and Proceedings.

198. In case of confusion or error concerning] the numbers reported, unless the same can be otherwise corrected, the House shall proceed to another Division.

199. If the numbers have been inaccurately reported to the House, the House, on being afterwards informed thereof, shall order the Votes and Proceedings to be corrected.

200. In case of an equality of votes, the Speaker shall give a Casting Vote and any reasons stated by him may be entered in the Votes and Proceedings.

201. The rule as to voting, and demanding and taking Divisions, shall be the same in Committee as in the House itself.

CHAPTER XVIII.

MOTIONS.

202. No Member shall make any Motion, initiating a subject for discussion, but in pursuance of Notice openly given at a previous sitting of the House, and duly entered on the Notice Paper; but it shall always be in order on the presentation of any document, except a Petition, for the Member presenting it to move, without previous notice, that it be printed, and that a day be appointed for its consideration. It shall also be in order at any time to move, without previous Notice, that any resolution of the House be communicated by message to the Legislative Council.

203. Motions shall have precedence each day, unless by a special order of the House, according to the order in which the Notices for the same were openly given or postponed.

204. Unless otherwise provided by Sessional Order, Notices of Motions shall take precedence of Orders of the Day, and must be moved, withdrawn, or postponed in the order in which they appear on the Notice Paper or lapse.

205. If, at the adjournment of the House, any Motions on the Notice Paper have not been called on, such Motions shall be set down on the Notice Paper for the next sitting day, at the end of the business already fixed for that day.

206. A motion, directly concerning the Privileges or Business of the House, or for a special adjournment, shall take precedence of other Motions, as well as Orders of the Day.

207. Precedence will be given by courtesy to a Motion for a Vote of Thanks Precedence to Vote of Thanks.

208. A Motion not seconded may not be further debated, and no entry thereof Motion not seconded.

209. After a Motion has been proposed by the Speaker, it shall be deemed to be Restriction on withdrawal of Motions.

in possession of the House, and cannot be withdrawn except by unanimous consent. Motions withdrawn again brought on.

210. A motion which has been, by leave of the House, withdrawn, may be Motions withdrawn again brought on.

CHAPTER XIX.

ORDERS OF THE DAY.

211. An Order of the Day is a Bill or other matter which the House has Order of the Day defined.

ordered to be taken into consideration on a particular day.

212. At the time fixed for the commencement of public business, on days on Orders of the Day to be read.

which Orders have precedence of Motions, and after the Motions have been disposed of or adjourned on all other days, the Speaker shall direct the Clerk at the table to read the Orders of the Day, without any question being put.

213. The Orders [of the Day shall be dealt with in the order in which they stand upon the Paper. Disposal of Orders of the Day.

214. If, at the adjournment of the House, any Orders of the Day on the Notice Paper have not been called on, such Orders of the Day shall be treated as dropped Orders which shall be set down on the Notice Paper for the next sitting day, at the end of the Orders of the Day already fixed for that day.

215. An Order of the Day may be read and discharged on motion without debate. An Order discharged.

216. On days fixed for the consideration of Government business, matters relating thereto shall take precedence of all other business on the Notice Paper, except Questions, subject to Rule 106 and the right is reserved to the Ministers of placing their business in the order in which they wish it to be taken.

CHAPTER XX.

ACCOUNTS AND PAPERS.

217. Accounts and Papers may be ordered to be laid before the House, and Accounts, &c., ordered.

the Clerk shall communicate to the Chief Secretary all orders for Papers made by the House; and such Papers shall be laid on the table by any Member of the House, being also a Member of the Government.

218. The production of Accounts or Papers concerning the Royal Prerogative, Addresses for Papers.

or of Despatches or other Correspondence addressed to or emanating from His Excellency the Governor, or having reference to the Administration of Justice, shall be asked for only by Address to the Governor.

219. Other papers may be presented pursuant to Statute, or by command of Presented by command.

His Excellency the Governor.

220. All Papers and Documents laid upon the table of the House by a Minister shall be considered public, and may be ordered to be printed without notice and without debate.

221. The Clerk shall distribute to each Member of the Legislative Assembly Distribution of Papers.

a copy of each paper printed by Order of this House, and shall transmit to the Clerk of the Legislative Council a sufficient number of copies of all such Papers for distribution to the Members of the Legislative Council.

CHAPTER XXI.

ADDRESSES TO THE GOVERNOR.

Addresses to
 Her Majesty
 sent to the
 Governor by
 the Speaker.

222. Addresses to Her Majesty shall be presented to the Governor by the Speaker, who shall request His Excellency to cause the same to be forwarded for presentation.

Addresses to
 the Governor
 presented by
 the Speaker.

223. Addresses to the Governor shall be presented by the Speaker, unless the House orders otherwise.

When pre-
 sented by the
 whole House.

224. When an Address is ordered to be presented by the whole House, the Speaker, with the House, shall proceed to Government House, and, being admitted to the Governor's presence, the Speaker shall read the Address to the Governor, the Members who moved and seconded such Address being on his left hand.

Governor's
 reply to an
 Address from
 the whole
 House.

225. The Governor's answer to any address presented by the whole House shall be reported by the Speaker.

CHAPTER XXII.

MESSAGES FROM THE GOVERNOR.

Mode of
 reception of.

226. Whenever the House shall be informed that there is a Message from the Governor, the business under discussion shall forthwith be suspended, and the bearer of the Message, if a Member, shall deliver it to the Speaker, and, if not a Member, shall be admitted and conducted to the Speaker, to whom he shall deliver it, and then withdraw.

How dealt
 with.

227. The Speaker shall immediately read the Message to the Assembly, Members being uncovered.

Consideration
 of.

228. The Message may, if necessary, be at once taken into consideration, or ordered, without debate, to be printed, and a future day fixed for taking the same into consideration.

Withdrawal
 of bearer.

229. So soon as the Message has been read by the Speaker, the bearer of the Message, not being a Member, shall withdraw.

CHAPTER XXIII.

COMMUNICATIONS WITH THE LEGISLATIVE COUNCIL.

Mode of
 communica-
 tion with
 Council.

230. The modes of communication with the Legislative Council shall be—
 (1.) By Message.
 (2.) By Conference.
 (3.) By Joint Committees of the Legislative Council and Assembly.
 (4.) By Select Committees communicating with each other.

By Message.

Messages to
 Council to
 be signed
 by Speaker.

231. Every Message from the House of Assembly to the Legislative Council shall be in writing, signed by the Speaker, and shall be sent by two or more Members of this House, to be named by the Speaker, ordinarily from among those Members who have taken the most prominent interest in the Bill or subject to be communicated, or by one of the Clerks at the Table.

Messages
 from Council.

232. This House will receive a Message from the Legislative Council by two or more of its Members, or by one of its Clerks at the Table, at any time whilst the House is sitting, or in Committee, without interrupting the business then proceeding.

Messages to
 be in writing.

233. Every Message shall be entered upon the Journals, with the answer thereto, if any be given.

Notice of
 Message not
 required.

234. It shall be in order at any time to move, without previous notice, that any Message be sent to the Legislative Council.

By

By Conference.

235. The Members appointed by this House to represent it as Managers at Conferences with the Legislative Council shall in number never be fewer than five at an ordinary Conference, and ten at a free Conference.

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

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

238. Every Motion for requesting a Conference shall contain the names of the Members proposed by the Mover to be the Managers for the House of Assembly.

239. If, upon such Motion, any one Member shall so require, the Managers for the House of Assembly shall be selected by ballot in the same manner as the Members of a Select Committee.

240. In respect of any Conference requested by the Legislative Council, the time and place for holding the same shall be appointed by the House of Assembly; and when the House of Assembly requests a Conference, they will agree to its being held at such time and place as shall be appointed by the Legislative Council, and such agreement shall be communicated by Message.

241. At all Conferences requested by the Legislative Council, the Managers for the House of Assembly shall assemble at the time and place appointed, and receive the Managers of the Legislative Council.

242. During any Conference the business of the House of Assembly shall be suspended.

243. At all Ordinary Conferences, the matter to be communicated by the Managers for the House of Assembly shall be in writing; and the Managers for the House of Assembly shall not receive any communication from the Managers for the Legislative Council unless the same be in writing.

244. At all Ordinary Conferences, the duty of the Managers for the House of Assembly shall be confined to the reading of the reasons or resolutions to be communicated by them, and delivering the same to the Managers for the Legislative Council, or to the hearing read by, and receiving from, the Managers for the Legislative Council, the reasons or resolutions communicated by the latter.

245. If a Motion for a Free Conference be agreed to, the Managers for the House of Assembly shall be at liberty to confer freely by word of mouth with the Managers for the Legislative Council.

246. In all cases of Conference, the Managers for the House of Assembly shall, when the Conference has terminated, report their proceedings to the House of Assembly forthwith.

By Joint Committees.

247. Every proposal to the Legislative Council for the appointment of a Joint Committee shall be by Message, and this House shall state the number of Members it will appoint to serve on such Committee.

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

Quorum

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

Report of proceedings.

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

Select Committees to confer by order of Assembly.

By Select Committees communicating with each other.

251. No Select Committee of the House of Assembly shall confer with a Select Committee of the Legislative Council, without an order of the House of Assembly made on motion.

Select Committees communicate by word of mouth.

252. Every Select Committee of the House of Assembly directed to confer with any Select Committee of the Legislative Council, may confer freely by word of mouth, unless the House of Assembly shall otherwise order.

Select Committees of House of Assembly to report proceeding at a Conference.

253. The proceedings of every Conference between a Select Committee of the House of Assembly and a Select Committee of the Legislative Council, shall be reported in writing to the House of Assembly by its own Committee.

Title only read.

CHAPTER XXIV.

PUBLIC BILLS.

How initiated

254. On every order for the reading of a Bill the title only shall be read.

Certain Bills deemed public.

Initiation.

255. Every Public Bill (unless transmitted by the Governor by Message, or sent from Legislative Council) shall be initiated either by a Motion for leave to bring in the Bill, specifying its intended title, or by a Motion for a Committee of the Whole to consider the expediency of bringing in the Bill.

Bills affecting trade.

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

Grant, release or composition of money.

257. No Bill relating to trade, or the alteration of the laws concerning trade, shall be brought into the House until the proposition shall have been first passed in a Committee of the whole House, and agreed to by the House.

Fair copy to be presented.

258. The House will not proceed upon any Bill for granting any money, or for releasing or compounding any sum of money owing to the Crown, until the proposition shall have been first considered in a Committee of the whole House and agreed to by the House.

Clausles to come within the title.

259. The Member having leave to bring in a Bill, shall prepare a draft of such Bill, and shall present a fair copy thereof to the House at an early day.

If irregular, to be withdrawn.

260. No clause shall be inserted in any such draft foreign to the title of the Bill, and if any such clause be afterwards introduced, the title shall be altered accordingly.

To be presented by Member.

261. Every Bill not prepared pursuant to the Order of leave, or according to the Rules and Orders of the House, shall be ordered to be withdrawn.

262. A Bill shall be presented by or on behalf of the Member having leave to bring it in unless received by message.

First reading without debate.

First Reading.

263. When any Bill shall be presented by a Member, in pursuance of leave granted, or shall be brought from the Governor or Legislative Council, the Question, "That this Bill be now read a first time," shall be immediately put and decided without amendment or debate.

264. After the first reading, a Question shall be put, without notice, "That Day fixed the Bill be printed, and the second reading stand an Order of Day for [a future day,"] ^{for second reading.} on which Question the merits of the Bill shall not be debated.

Second Reading.

265. On the Order of the Day being read for the second reading of a Bill, ^{Question for second reading.} a Motion may be made, "That this Bill be now read a second time" or the Order postponed or discharged.

266. Amendments may be moved to such Question, by leaving out "now" ^{Amendments:} and adding "this day three months," "six months," or any other time, or by moving "That the Bill be referred to a Select Committee"; or the Previous Question may be moved.

267. When a Bill has been reported on by a Select Committee, a future day ^{When reported on by Select Committee.} may be fixed for the second reading.

Committal and Consideration in Committee.

268. After the second reading, unless an instruction be moved as provided in ^{Committal.} No. 383, the Speaker shall put the Question, "That I do now leave the Chair, and the House resolve itself into a Committee of the Whole to consider the Bill in detail," which Question shall admit of no debate or amendment.

269. When the House has decided to resolve itself into a Committee of the Whole on a Bill, the Speaker shall leave the Chair, and when the Committee has reported progress and ordered the further consideration of the Bill in Committee for a future day, the Speaker shall leave the Chair upon the Order of the Day for such further consideration being read, without question or debate. ^{Speaker leaves Chair for further consideration without question.}

270. The Preamble shall stand postponed until after the consideration of the clauses, without Question put. Each clause shall then be read separately, and the Question shall be proposed by the Chairman "That the clause, as read, stand part and put of the Bill."

271. In reading the clauses of a Bill it shall be sufficient to read the numbers and marginal notes only. ^{How clauses to be read.}

272. Any Amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with the Rules and Orders of the House; but if any Amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House. ^{Amendments to clauses, &c.}

273. No clause, schedule, or amendment in substance shall be offered to be added to, or made, in any Bill in possession of the House, except in Committee of the whole House. ^{All Amendments to be in Committee.}

274. If a clause is amended, a further Question shall be proposed, "That the clause as amended stand part of the Bill." ^{Clauses put as amended.}

275. A clause that has been passed, with or without amendment, cannot, except by recommital, be again considered and amended; but whenever it is moved that the report be adopted, the reconsideration of any clause in Committee may be moved as an amendment. ^{Clauses cannot be taken twice in one day.}

276. Any clause may be postponed, unless the same has already been considered and amended. ^{Clauses postponed.}

277. In going through a Bill, no Questions shall be put for the filling up of words already printed in italics, and commonly called "blanks," unless exception be taken thereto, and if no alterations have been made in the words as printed in italics, the Bill is to be reported without amendment, unless other amendments have been made therein. ^{Proceedings on blanks.}

Order in
which clauses
shall be taken.

278. In going through a Bill, the clauses, and schedules if any, shall be taken in the order in which they stand, and be passed or postponed; and when the Bill has thus been gone through once, any postponed clauses and Schedules shall be similarly taken into consideration and disposed of; and, in reconsidering the Bill, the same order shall be observed, further amendments being moved, according to the order in which the clauses and Schedules to be amended are placed.

Verbal or
formal
Amendments.

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

Temporary
laws.

280. The precise duration of every Temporary Bill shall be expressed in a distinct clause at the end of the Bill.

Preamble
agreed to.

281. After every clause and schedule has been agreed to, and any new clauses added which are within the title of the Bill, or pursuant to any instructions, the Preamble shall be considered, and, if necessary, amended, and a Question put "That the Preamble as read or as amended be the Preamble of the Bill."

Title agreed
to.

282. After the Preamble has been agreed to, if any amendment shall have been made in the Bill, not coming within the original title, such title shall be amended, and a Question put "That the Title as amended be the Title of the Bill," and the amendment thereof shall be specially reported to the House.

Proceedings
in Committee
not to be
noticed till
reported.

283. No notice may be taken of any proceedings of a Committee of the Whole House, or a Select Committee on a Bill, until such proceedings have been reported.

First Report to Adoption of Final Report.

Bill ordered
to be reported.
Bill reported.

284. When the Bill shall have been thus considered or amended, clause by clause, the Question shall be put, "That the Chairman do now leave the Chair and report the Bill with, or without, amendment to the House," and the Chairman shall report the Bill accordingly to the House, and the Report shall be received without Question put.

Reported with
amendment.

285. When a Bill is reported, with Amendment, the Adoption of the Report may be immediately moved, unless at least five Members shall rise in their places and object, in which case a future day shall be appointed for moving the adoption of the Report.

Reported
without
amendment.

286. When a Bill is reported without Amendment, the adoption of the report may be immediately moved.

Restriction
on reference
to a Select
Committee.

287. No Motion for referring the Bill to a Select Committee shall be considered after the Chairman of the Committee of the Whole House shall have reported the Bill.

Recommittal
on motion for
adoption of
report.

288. On the Motion for the adoption of the report, the Bill may be recommitted for the reconsideration of the Bill as a whole, or of any specified clauses, schedules, or other portions therof, or for the insertion of new clauses or schedules.

Third Reading and Passing.

Day fixed for
third reading.

289. When the report is adopted, a future day shall be fixed, without notice or debate, for the third reading.

Question for
third reading.

290. On the Order of the Day being read for the third reading of a Bill, a Motion shall be moved and Question proposed "That this Bill be now read a third time."

Recommittal
on motion for
third reading.

291. On the motion for the third reading being made, the Bill may be recommitted; and in the event of the Bill being amended on such recommittal, a subsequent day shall be appointed for the third reading.

Amendments
to such
Question.

292. Amendments may be moved to such Question by leaving out "now," and adding "this day three months," "six months," or any other time, or the Question may be negatived, or the Previous Question moved.

293. After the third reading, a Question shall be put, "That this Bill do now ^{Bill passed.} pass, and that the title be—."

294. Before this question shall be put, the Chairman of Committees shall certify in writing that the fair print is in accordance with the Bill as agreed to in Committee and reported; and the Speaker shall announce that the Chairman has so certified.

295. When a Bill originated in this House shall have been passed, the Clerk shall certify, at the top of the first page, "That this Public [or Private] Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence."

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

Transmission to Council.

297. After a passed Bill shall have been certified by the Clerk, it shall be sent with a message, signed by the Speaker, desiring the concurrence of the Legislative Council.

Council's Amendments on Bills originated in the Assembly.

298. When a Bill shall be returned from the Legislative Council with amendments, a day shall be fixed, without notice, for taking the same into consideration.

299. With respect to any Bill brought to the Assembly from the Legislative Council, or returned by the Legislative Council to the Assembly, with Amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorized, imposed, appropriated, regulated, varied, or extinguished, the Assembly will not insist on its privileges in the following cases:—

- i. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.
- ii. Where such fees are imposed in respect of benefit taken, or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury, or in aid of the Public Revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.
- iii. When such Bill shall be a Private Bill for a local or personal Act.

300. Amendments made by the Legislative Council shall be agreed to either with or without Amendments; or disagreed to; or the consideration thereof postponed; or the Bill ordered to be laid aside.

301. The consideration of all Amendments made by the Legislative Council in Bills which shall have first passed the Assembly, shall, subject to the provisions of Rule 279, be in a Committee of the Whole House.

302. When Amendments made by the Legislative Council, in Bills which shall have first passed the Assembly, shall have been agreed to by the Assembly, without Amendment, a Message shall be sent informing the Council thereof; and if they shall have been agreed to with Amendment, a Message shall be sent with a Schedule of such further Amendment, desiring the concurrence of the Council therein; and if they shall have been disagreed to, a Message giving reasons for such disagreement may be sent to the Council, or the Bill may be laid aside.

303. In any case, when any of the Amendments made by the Council are disagreed to, the Message intimating such disagreement shall also contain written reasons for the Assembly not agreeing to the Amendments proposed by the Legislative Council; and such reasons shall be drawn up by the Member in charge of the Bill.

Schedule of
Amendments
on Council's
Amendments.

304. When any Amendment shall have been made by the Assembly on the Council's Amendments, a schedule of such further Amendments shall be prepared, containing reference to each Amendment of the Council which has been amended by the Assembly, and describing the further Amendment proposed: and this Schedule shall be written or printed on paper, certified by the Clerk of the Assembly, and shall accompany the Message intimating such amendments and desiring the concurrence of the Legislative Council.

When Coun-
cil disagrees to
Amendments
on its
Amendments.

305. If the Legislative Council shall disagree to any of the Assembly's Amendments on the Council's original Amendment, and shall insist on its original Amendments, stating the reasons for so doing, or shall agree to the Assembly's Amendments thereon, with further Amendments, a day shall be fixed for taking the same into consideration, which shall be in a Committee of the whole Assembly; and the Bill shall then be finally passed, or laid aside, unless the Assembly determines to request a Conference.

Final agree-
ment to
Council's
Amendments.

306. If the Council's Amendments shall be agreed to, or a Conference is desired or when the Bill is finally passed by the Assembly, a Message shall be sent informing the Council thereof.

Revival of
Bills inter-
rupted in a
previous
Session.

Interruption and Renewal of Proceedings on Bills.

307. Within ten clear sitting days after the commencement of any Session, Bills which originated in this House during the preceding Session of the same Parliament and with respect to which proceedings have been interrupted in either House by the close of the Session, may be revived upon motion, and if so revived, the Bill, with such alterations as may have been made in the Assembly during the previous Session, shall forthwith, upon motion without notice or debate, be passed through the several stages in this House through which it shall have passed in the preceding Session and shall be proceeded with in all its subsequent stages, if any, in the usual manner. Provided that it shall not be necessary to consider in Committee of the Whole such portions of a Bill so revived as shall have been already considered in a Committee of the Whole during the previous Session.

Bills coming
the first time
from the
Council.

Bills Received First Time from the Council.

308. Public Bills coming to the Assembly the first time from the Legislative Council shall be proceeded with in all respects as similar Bills presented in the Assembly.

Certificate,
when re-
turned to the
Council.

309. When any such Bill shall have been passed by the Assembly, it shall be returned to the Council by Message, with the Clerk's certificate on the Bill "That the Assembly has this day agreed to this Bill with [or without] Amendment"; and if the Bill be amended the message requesting the concurrence of the Council shall be accompanied by a Schedule indicating the Amendments.

When Coun-
cil returns
the Bill with
Amend-
ments on
Assembly's
Amendments

310. If the Council shall disagree to any of the Amendments made by the Assembly or propose further Amendments thereon, the Message, together with written reasons for disagreeing to any such Amendments proposed by the Assembly, or showing the Amendments proposed upon the Assembly's Amendments, shall be taken into consideration in Committee of the Whole, on a day fixed, without notice.

How such
Amendments
are disposed
of.

311. The Amendments made by the Council shall be then either agreed to with or without further Amendments, or disagreed to, and the original Amendments made by the Assembly insisted on.

Further
proceedings
after they are
considered.

312. If the Amendments made by the Council on the Assembly's Amendments are agreed to without further Amendment, or disagreed to, and the original Amendments made by the Assembly insisted on, a Message shall be returned to the Council to that effect; or, if the Amendments made by the Council are agreed to with further Amendments, a Message shall be sent desiring the concurrence of the Council therein.

When Coun-
cil's further
Amend-
ments dis-
agreed to,
reasons to be
stated.

313. In any case, when any of the Amendments made by the Council on the Assembly's Amendments are disagreed to, the Message shall contain written reasons for the Assembly not agreeing to the Amendments proposed by the Council; and such reasons shall be drawn up by the member in charge of the Bill.

314. When any Amendments shall have been made by the Assembly on a Bill which shall have been first passed by the Council, a Schedule of such Amendments shall be prepared, containing reference to the page and line of the Bill where the words are to be inserted or omitted, and describing the Amendments proposed ; and this Schedule shall accompany the message returning the Bill, and be certified by the Clerk of the Assembly.

315. When any further Amendments have been made by the Assembly on the Council's Amendments on the Assembly's original Amendments in a Bill which shall have been first passed by the Council, a Schedule of such further Amendments shall be prepared, containing reference to each Amendment of the Council which has been amended by the Assembly, and describing the further Amendment proposed ; and this Schedule shall accompany the Message, and be certified by the Clerk of the Assembly.

Assent.

316. Every Bill originated in this House which shall finally pass shall be fair printed on vellum or parchment, and be by the Speaker presented to the Governor for Her Majesty's Assent, provided the Chairman of Committees shall have certified, in writing, on the Bill, that he has examined such fair print and found it to correspond in all respects with the Bill as finally passed by both Houses, and that at the top of the first page of such fair print the Clerk of the Assembly shall have certified to its having finally passed both Houses.

CHAPTER XXV.

SELECT COMMITTEES.

317. A Select Committee shall consist of not less than five nor more than ten Members.

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

319. The Speaker shall be *ex officio* a Member of Standing Orders Committee and Library Committee.

320. Every Member proposing a Select Committee shall be one of the Committee named by the House.

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

322. (1.) If, upon any Motion for a Select Committee, any Member shall require it, such Committee shall be chosen by Ballot, in the manner following,

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

(2.) Members balloting for a Select Committee shall place the Balloting Papers, after completion, in the hands of the Clerk of the Assembly, giving time for him to note one paper (as hereinafter mentioned) before another is presented.

(3.) The Clerk shall have before him a complete printed list of the Members of the House, and on the presentation of any Balloting Paper shall place his initials against the entry in such list of the name of the Member presenting such Balloting Paper, and the Clerk shall place such list so initialled on record, with the other proceedings of the Ballot.

Bells rung prior to ballot. 323. Before the House proceeds to ballot for a Select Committee, the bells shall be rung as in a Division.

No interested Member to be on a Committee. 324. No Member shall sit on a Select Committee who shall be personally interested in the inquiry before such Committee.

Members discharged and added. 325. Members may at any time, by Motion, be discharged by the House from attending a Select Committee, and other Members appointed.

First meeting. 326. The Mover for the Select Committee shall fix the time for the first meeting of the Committee.

Quorum. 327. In all Select Committees three shall form a Quorum.

Chairman to have only a casting vote. 328. Every Select Committee, as its first business, shall elect one of its Members to be Chairman, who shall only have a casting vote, except as provided in Rule 418.

Record of proceedings and Divisions. 329. An entry shall be made in the proceedings of the names of the Members attending each Select Committee meeting, and of every Motion or Amendment proposed in the Committee, together with the name of the Mover thereof; and if any Division take place in the Committee, the Clerk in attendance shall take down the names of the Members voting in any such Division, distinguishing on which side of the question they respectively vote.

When no meeting takes place. 330. If, after the lapse of a quarter of an hour from the time appointed for the meeting of a Select Committee, there shall not be a Quorum, the meeting shall lapse, and the mover for, or Chairman of such Select Committee, shall convene the next meeting.

When quorum not present. 331. If at any time during the sitting of a Select Committee of the House the Quorum of Members fixed by the House be not present, the Clerk of the Committee shall call the attention of the Chairman to the fact, who shall thereupon suspend the proceedings of the Committee until a quorum be present, or adjourn the Committee to some future day.

Adjournment of Committee. 332. A Select Committee may adjourn from time to time; and, by leave of the House, from place to place, and sit on those days over which the House is adjourned.

Not to sit when House is sitting. 333. Except by leave of the House, no Select Committee may sit after the hour appointed for the sitting of the House.

Report from time to time. 334. By leave of the House, a Select Committee may report its opinions or observations from time to time, or report the Minutes of Evidence only, or Proceedings from time to time.

Power to send for persons and records. 335. All Select Committees shall have power to send for persons, papers, and records.

Clerk of the House to summon Witnesses. 336. The Chairman of a Select Committee shall direct the Clerk of the House to summon the Witnesses to be examined before such Committee.

Examination of Witnesses. 337. The examination of Witnesses before every Select Committee shall be on oath, and conducted as follows, viz.:—The Chairman shall first put to the Witness, in an uninterrupted series, all such questions as he may deem essential, with reference either to the subject referred to therein, or to any branch of that subject, according to the mode of procedure agreed on by the Committee. The Chairman shall then call on the other members severally by name to put any other questions which may have occurred to them during his conduct of the examination; and the name of every member so interrogating a Witness shall be noted and prefixed to the questions asked. All replies to questions put shall be in writing; but, if the Committee be attended by a short-hand writer, the notes of such short-hand writer shall be sufficient.

Admission of Strangers. 338. When a Select Committee is examining Witnesses, Strangers may be admitted, but shall be excluded at the request of any Member, or at the discretion of the Chairman of the Committee, and shall always be excluded when the Committee is deliberating.

339. Members of the House may be present when a Select Committee is examining Witnesses ; but shall withdraw when the Committee is deliberating.

Admission
of other
Members.

340. No Strangers, or Members not being of the Select Committee, shall be admitted at any time to a Secret Committee.

Secret
Committees.

341. The evidence taken by any Select Committee of the House, and documents presented to such Committee which have not been reported to the House, shall not be disclosed or published by any Member of such Committee, or by any other person.

Evidence
not to be
disclosed.

342. It shall be the duty of the Chairman of every Select Committee to prepare the Report.

Chairman
to prepare
Report.

343. The Chairman shall read to the Select Committee convened for the purpose of considering the Report the whole of his Draft Report, which, if desired by any Member, shall be printed and circulated amongst the Committee, and a subsequent day fixed for its consideration ; and when the Committee are desirous of taking the Report into consideration, the Chairman shall read the Draft Report, paragraph by paragraph, putting the Question to the Committee at the end of each paragraph— “That the paragraph as read stand part of the Report.” A Member objecting to any portion of the Report shall propose his Amendment at the time the paragraph he wishes to amend shall be under consideration.

Consideration
of Draft
Report.

344. Every Report of a Select Committee should be signed by the Chairman, but in the event of his refusing, the Committee may appoint any other Member of the Committee to sign the Report.

Chairman to
sign Report.

345. The Report of a Select Committee, with the documents accompanying it, shall be brought up by the Member signing the Report, and may, without debate, be ordered to be printed.

Report
brought up.

346. If any measure or proceeding be necessary upon a Report of a Select Committee, such measure or proceeding shall be brought under the consideration of the House by a specific Motion, of which notice must be given in the usual manner.

Motion for
subsequent
proceedings.

347. Every Select Committee shall have power to award payment to any professional or other Witnesses they may deem it necessary to employ in furtherance of the inquiry with which the Committee is charged ; and the Chairman's certificate on the face of an account, countersigned by the Clerk of Select Committees, shall be sufficient authority for its payment by the Colonial Treasurer out of the Consolidated Revenue Fund, through the Clerk of the Assembly, or at the Public Treasury ; and every such award, with the sum awarded, the particulars of the services rendered, and the name of the party in whose favour made, shall be entered in the Minutes of the Proceedings of the Committee.

Payment of
certain Wit-
nesses before
Committees.

348. Lists of all Select Committees shall be affixed in some conspicuous place in the Lobbies and Clerk's Office.

List of
Members
serving.

CHAPTER XXVI.

COMMITTEES OF THE WHOLE HOUSE.

349. Except in cases specially provided for, the same rules shall guide the proceedings in Committee of the Whole as in the House itself ; the Chairman of a Committee of the whole House being invested with the same authority as the Speaker for the preservation of Order.

Proceedings
guided by
rules of the
House.

350. At the commencement of every Session a Member shall be appointed Chairman of Committees of the Whole House, and when so appointed shall continue to act as such Chairman during the whole Session, and until his successor be appointed in the following Session of the same Parliament or until the dissolution of the then existing Parliament, unless the House shall otherwise direct.

Chairman of
Committees.

351. At the commencement of every Session, four Members shall be appointed by the House as Deputy Chairmen of Committees ; and whenever the House shall be informed of the unavoidable absence of the Chairman of Committees, one of such Deputy Chairmen, to be named by the Speaker, shall take the Chair for that day only, who, while so acting as Chairman, shall have the same power as the Chairman of Committees.

Deputy
Chairmen of
Committees.

Power to appoint Acting Chairman. 352. When the House is in Committee of the Whole, if the Chairman of Committees shall desire to leave the Chair he may appoint any Deputy Chairman, or if none be present then any other Member, to take his place, and such Member, whilst so sitting, shall have the same power as the Chairman of Committees.

Quorum in Committee. 353. The Quorum in Committee of the whole House shall consist of the same number of Members, exclusive of the Chairman, as shall be requisite to form a Quorum of the House.

Committee of Whole appointed. 354. A Committee of the whole House shall be appointed by resolution, "That this House will [immediately or on a future day] resolve itself into a Committee of the Whole, &c."

Speaker leaves the Chair. 355. When such a resolution has been agreed to, or an Order of the Day read for the House to resolve itself into Committee, the Speaker shall put a Question, without debate, "That I do now leave the Chair, &c.," which being agreed to, he shall leave the Chair accordingly.

When Committee has reported progress. 356. When a Bill or other matter (not being connected with Supply or Ways and Means) has been partly considered in Committee, and the Chairman has been directed to report progress, and ask leave to sit again, and the House has ordered that the Committee shall sit again on a particular day, the Speaker, when the Order of the Day for the further consideration in Committee has been read, shall forthwith leave the Chair without putting any Question, and the House thereupon resolve itself into such Committee.

The Chairman takes the Chair. 357. As soon as the Speaker has left the Chair, the Chairman shall take the Chair of the Committee at the Table.

Considers only matters referred. 358. A Committee shall consider such matters only as shall have been referred to it by the House.

Questions decided by majority. Chairman has Casting Vote. 359. Every Question in Committee shall be decided in the same manner as in the House itself, the Chairman having only a Casting Vote, and any reasons stated by him when giving such vote may be entered in the proceedings of the Committee.

No seconder required. 360. A Motion made in Committee need not be seconded.

Previous Question cannot be moved. 361. No motion for the Previous Question can be made in Committee.

Greater or lesser sum, longer or shorter term. 362. When there comes a Question between the greater and lesser sum, or the longer or shorter time, the least sum and the longest time shall be first put to the Question.

Members may speak more than once. 363. In Committee Members may speak more than once to the same Question.

When disorder arises. 364. If any sudden disorder shall arise in Committee, the Speaker may resume the Chair without any Question being put, and may leave the Chair in like manner, whereupon such Committee shall resume its proceedings.

When Message comes from Governor. 365. The Speaker may also resume the Chair without any Question being put whenever a Message is brought from the Governor, and, after the Message has been dealt with, may leave the Chair in like manner, whercupon such Committee shall resume its proceedings.

When a Quorum is not present. 366. If notice be taken, or it appears upon a Division in Committee, that a Quorum of Members be not present, the Chairman shall leave the Chair of the Committee without a Question being put, and the Speaker shall resume the Chair.

Want of Quorum only to be reported by the Chairman. 367. When the Speaker shall have resumed the Chair on the breaking up of a Committee, owing to the want of a Quorum, the Chairman shall inform the Speaker thereof, but make no further report.

House counted by the Speaker. 368. If a Quorum of Members be present when the House is counted by the Speaker, the House shall again resolve itself into the Committee of the Whole without a Question being put.

Weekly Report of Divisions. 369. Lists of Divisions in Committees of the Whole House shall be printed weekly.

370. When all matters referred to a Committee have been considered, the Report. Chairman shall be directed to report the same to the House; and when all such matters have not been considered, the Chairman shall report progress, and ask leave Report of to sit again. progress.

371. A Motion may be made during the proceedings of a Committee "That Motion to report pro- the Chairman leave the Chair, report progress and ask leave to sit again." gress.

372. A Motion "That the Chairman do now leave the chair" will, if carried, supersede the proceedings of a Committee. Motion that the Chairman leave the chair.

373. In Committee of Supply or Ways and Means, or in Committee of the Whole on any Bill or Resolution, no Member shall make any motion for the Chairman to leave the Chair which, by the ruling of the Chairman without debate, shall be held to be of an obstructive character or not consistent with the regular and orderly conduct of the business of the Committee. No motion of an obstructive character that Chairman leave Chair allowed.

374. Every Report from a Committee of the Whole House shall be brought Report brought up without any Question being put.

375. Resolutions brought up from a Committee of the Whole House may be Reception of received on the same day on which they are reported, provided the Resolutions do Resolutions. not involve the expenditure of Public money nor Taxation, and do not affect Trade nor Religion.

376. Resolutions brought up from a Committee of the Whole House, which involve the expenditure of Public money or Taxation, or which affect Trade or Religion, or from the Committee of Supply or of Ways and Means, may be received Reception of Resolutions involving ex- penditure, &c. on the same day on which they are reported, unless at least five Members shall rise in their places and object, in which case a future day shall be appointed for their reception.

377. The Resolutions received from a Committee of the Whole House are Resolutions read a first time, and may be read a second time, agreed to or disagreed to by the read 1^o and 2^o, &c. House, or agreed to with amendments, recommitted to the Committee, or the further consideration thereof postponed.

378. The Committees of Supply and Ways and Means shall be appointed Appointment of Committees of Supply and Means. upon Motion at the commencement of every Session, so soon as an Address in reply to the Governor's opening speech has been agreed to, and unless otherwise ordered, the Resumption of such Committees shall stand Orders of the Day, as of course, on each day on which Government Business shall have precedence.

379. No debate shall be allowed on the Order of the Day for the House to resolve itself into Committee of Supply or Ways and Means, and no Amendment or contingent Motion shall be entertained on any such Order without the leave of the House, no debate being allowed upon the Motion for such leave, except a statement of the subject matter of the intended Motion, limited to ten minutes. No debate or amendment on going into Committee of Supply or Ways and Means.

380. Unless otherwise ordered by Sessional Order, the following Rules shall be observed in Committee of Supply:-- Procedure in Committee of Supply.

- (1.) When a Motion is made, in Committee of Supply, to omit or reduce any item of a Vote, a Question shall be proposed from the Chair for omitting or reducing such item accordingly; and Members shall speak to such Question only until it has been disposed of
- (2.) When several Motions are offered, they shall be taken in the order in which the items to which they relate appear in the printed Estimates.
- (3.) After a Question for omitting or reducing any item has been disposed of, no Motion shall be made, or Debate allowed, upon any preceding item.
- (4.) Where it has been proposed to omit or reduce items in a Vote, the Question shall be afterwards put upon the original Vote, or upon the reduced Vote, as the case may be, without amendment.
- (5.) After a Question has been put for a reduction of the whole Vote, no Motion shall be made for omitting or reducing any item of such Vote.

- (6.) When a general reduction of the amount of the Vote comprising many items, is proposed, the Question shall be first put upon the smaller sum, and, if that be negatived, then upon the next smaller sum, and so on, until the Question is put upon the original Vote, after the failure of the several Motions for a general reduction thereof.
- (7.) It shall be held to be in order, at any time during the discussion of a Vote or item in a Vote which has not been previously amended, to move the postponement of such Vote or Item, provided such postponement be until the whole of the Estimates or Supplementary Estimates shall have been disposed of, or, on the motion of the Minister in charge, such Vote or Item may be withdrawn.

CHAPTER XXVII.

INSTRUCTIONS TO COMMITTEES.

Effects of an Instruction.

381. An Instruction empowers a Committee of the whole House to consider matters not otherwise referred.

What Instructions may be moved.

382. No Instructions may be moved ordering a Committee to make provision in a Bill, nor to empower a Committee to make such provision if they already have that power.

When Instructions should be moved.

383. An Instruction shall be moved after the Order of the Day for going into Committee has been read, and not as an Amendment to the Question "That the Speaker do now leave the Chair"; and when the committal of a Bill be moved on the same day that the second reading is carried, an instruction shall be moved prior to the motion being proposed from the Chair that the Speaker do leave the Chair and the House resolve itself into a Committee of the whole on the Bill.

Instruction to Select Committee.

384. An Instruction to a Select Committee extends or restricts the order of reference.

CHAPTER XXVIII.

WITNESSES.

Witnesses summoned by the Speaker.

385. Witnesses shall be ordered to attend before the House, or before a Committee of the whole House, by summons under the hand of the Speaker.

Attendance of Members to be examined.

386. When the attendance of a Member is desired, to be examined by the House, he shall be ordered by the Speaker to attend in his place.

By a Select Committee.

387. If a Select Committee desire the attendance of a Member as a Witness, the Chairman shall, in writing, request him to attend; but should he refuse or neglect, the Select Committee shall take no further action, except to report the matter to the House.

Committee not to entertain charges against Members.

388. If any information come before any Committee that chargeth any Member of the House, the Committee ought only to direct that the House be acquainted with the matter of such information, without proceeding further thereupon.

When attendance of Member or Officer of Legislative Council is desired.

389. When the attendance of a Member of the Legislative Council, or any officer of that House, is desired, to be examined by the House or any Committee thereof (not being a Committee on a Private Bill), a message shall be sent to the Legislative Council to request that the Council give leave to such Member or Officer to attend, in order to his being examined accordingly upon the matters stated in such message.

Attendance of Members or Officers of Assembly before Committee of Council.

390. Should the Legislative Council request by Message the attendance of a Member of the House before a Select Committee of the Council, the House may authorize such Member to attend, if he think fit. The House, if similarly requested by the Council, may also instruct its own Officers to attend such Committees, if the House thinks fit.

When intended Witness is in prison.

391. When a Witness shall be in the custody of the keeper of any prison, such keeper may be ordered to bring the Witness, in safe custody, in order to his being examined; and from time to time, as often as his attendance shall be thought necessary; and the Speaker may be ordered to issue his warrant accordingly.

392. All Witnesses examined before the House, or any Committee thereof, ^{Witnesses entitled to protection.} are entitled to the protection of the House in respect of anything that may be said in their evidence.

393. When the Witness appears before the House, the Speaker shall examine ^{Witnesses before the whole House examined by the Speaker.} the Witness, and no other Member shall put any question otherwise than through the Speaker.

394. In Committee of the whole House, any Member may put questions to ^{Before Committee by any Member.} the Witness.

395. If any question be objected to, or other matter arise, the Witness shall ^{Witness withdraws if question objected to.} withdraw while the same is under discussion.

396. A Member of the House shall be examined in his place. ^{Member examined in his place.}

397. Judges, when present as witnesses, are introduced by the Sergeant-at-Arms, and have chairs placed for them at the Bar. ^{Judges, how introduced.}

398. No Officer of the House, Clerk, or short-hand writer employed to take minutes of evidence before the House, or any Committee thereof, may give evidence elsewhere in respect of any proceedings or examination had at the Bar, or before any Committee of the House, without the special leave of the House. ^{Officers not to give evidence without leave.}

CHAPTER XXIX.

SUSPENSION OF STANDING ORDERS.

399. Any Standing Order or Orders of the House may be suspended on Motion duly made and seconded in accordance with notice given, and in cases of urgent necessity such Standing Order or Orders may be suspended on Motion duly made and seconded without notice. The question of urgency shall be decided by the House upon motion, without notice or debate, except a statement by the mover limited to ten minutes. ^{Standing Orders suspended in urgent cases without notice.}

CHAPTER XXX.

CONTEMPT AND PUNISHMENT.

400. Any Member having been called to order for any breach of the foregoing rules, or for disorderly conduct, shall be guilty of contempt if he attempts to leave the Chamber before his conduct has been dealt with, except in cases where a Member has been called upon to withdraw, pending consideration of his conduct. ^{Member called to order not to leave the Chamber.}

401. Any Member who shall wilfully disobey any order of the House, and any Member or other person who shall wilfully or vexatiously obstruct or interrupt the orderly conduct of the business of the House, shall be guilty of contempt. ^{Wilful disobedience, obstruction or interruption held to be contempt.}

402. Any Member named by the Speaker as guilty of the wilful or vexatious breach of any of the Standing Orders, or as interrupting the orderly conduct of the business of the House, may be adjudged by the House on Motion, without notice, guilty of contempt, no debate being allowed on such Motion except an explanation by the Member named. ^{Member named by Speaker.}

403. Every Member adjudged by the House, for any of the causes hereinbefore mentioned, guilty of contempt, shall be committed, by the Warrant of the Speaker, to the custody of the Sergeant-at-Arms, and shall, by the Sergeant-at-Arms, be detained in custody until the payment of the fees imposed in Rules number 409 and 410, when he may be released by an Order of the House. ^{Punishment of Members for contempt.}

404. Any Member who shall so conduct himself as to make it impracticable for the Speaker or Chairman of Committees, as the case may be, to carry out the Standing Orders of the House, may be, by the order of the Speaker or Chairman of Committees, removed by the Sergeant-at-Arms from the Chamber until the termination of the then sitting. ^{Removal of Member during sitting.}

Arrest of Member or Stranger to be reported.

405. When any Member or other person shall have been taken into the custody of the Sergeant-at-Arms, by order of the Speaker, such arrest shall be reported to the House by the Speaker without delay; and the House shall fix the time for such Member or other person being brought to the Bar, to receive orders for commitment or discharge, after payment of certain fees.

Arrest of Stranger to be reported.

406. The Sergeant-at-Arms attending the House shall, from time to time, on being directed by the Speaker, take or deliver into custody any Stranger whom he may see, or who may be reported to him to be, in any part of the Chamber appropriated to the Members of the House; and also any Stranger who, having been admitted into any other part of the House or gallery, shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while the House or any Committee of the whole House is sitting; and no person so taken into custody shall be discharged out of custody without the special order of the House, and payment of certain fees as hereinafter provided.

Punishment of strangers for contempt.

407. Any person not being a Member who interrupts the orderly conduct of the business of the House, or obstructs the approaches to the House, or occasions a disturbance within the precincts of the House, may be arrested by order of the Speaker, and shall, by his Warrant, be committed to the custody of the Sergeant-at-Arms, and shall, by the Sergeant-at-Arms, be detained in custody until payment of the fees imposed in Rules 409 and 410, when he may be discharged by an Order of the House.

Member repeatedly called to order.

408. Any Member who shall so conduct himself as to make it necessary for the Speaker or Chairman of Committees to call him to order more than three times in the course of any one sitting for any gross breach of the Rules, may, by the order of the Speaker or Chairman of Committees, be removed by the Sergeant-at-Arms from the Chamber until the termination of such sitting.

Fees for arrest or commitment.

409. The following scale of fees shall be payable to the Sergeant-at-Arms, on the arrest or commitment of any person, by order of the House or the Speaker; and no person shall, without the express direction of the House, be discharged out of custody until such fees be paid:—

For arrest	£5
For commitment	£10

Personal fee to Sergeant-at-Arms.

410. The following fee shall be payable to the Sergeant-at-Arms, as remuneration for his personal expenses incurred in the custody of the person arrested; and no person ordered by the House to be detained by him, shall be discharged out of custody until such fee be paid:—

For each day's detention, including sustenance	£2
--	----

CHAPTER XXXI.

PRIVATE BILLS.

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

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

413. Every Petition for a Private Bill shall commence by setting forth, that within the three months previous to its presentation to the House, the public notice required by Rule 411 has been duly given of the general objects of, and the intention to apply for, such Bill, and shall conclude with a true statement of the general objects of the Bill, and a prayer for leave to bring it in; and the production of the numbers of the *Gazette* and newspaper or newspapers containing such notice shall be required and shall be sufficient proof of such notice.

414. When the Petition shall have been received, Notice of Motion for leave to bring in the Bill shall be given, and such Bill shall be brought in within thirty days from the receipt of such Petition.

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

416. Before a Private Bill shall be read a first time, the sum of twenty-five pounds, towards meeting the expenses attendant on such Bill, shall be paid to the credit of the Consolidated Revenue Fund of the Colony, and a Certificate of such payment shall be produced by the Member moving the first reading of the Bill; and whenever the expenses attendant upon such Bill shall be found to exceed the sum of twenty-five pounds so paid, a further sum of twenty-five pounds shall, from time to time, as may be demanded by the Clerk of the Assembly, be paid by the parties applying for the Bill, to the Credit of the Consolidated Revenue Fund of the Colony; and a like Certificate of such additional payments shall be produced before proceeding further with the Bill; but on the passing, rejection, or withdrawal of such Bill, the Promoters shall pay into the said Consolidated Revenue Fund any additional sum which may be required to fully pay the expenses attendant upon such Bill and in the event of a balance remaining in favour of the Promoters they may obtain from the said Clerk a Certificate of the actual expenses incurred, with a view to the refund of any amount found to be unexpended.

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

418. The Chairman of a Select Committee on a Private Bill shall be entitled to vote on all questions in the same way as other Members of such Committee; and, in case of an equality of votes, exercise a second or casting vote.

419. Every Petition in reference to a Private Bill shall, if received, be deemed, without motion, to be referred to the Select Committee on the Bill.

420. Every Select Committee on a Private Bill may, in its discretion, hear Counsel if it be desired; and may also take such oral or other evidence as it may think requisite; and may decide on matters in issue between the persons conducting and opposing the Bill; after which, the Question shall be put from the Chair, "That this Preamble stand part of the Bill": And if the Question pass in the negative, it shall be fatal to the Bill, and the Committee shall report accordingly; but if the Question pass in the affirmative, the several Clauses of the Bill shall next be proceeded with, and the Amendments, if any, carefully noted for report to the House, care being taken that no Clause be inserted or Amendment made in the Bill which shall be foreign to the import of the notice required under Rule 411 to be given by the party or parties applying for it.

421.

Report of
Select Com-
mittee on.

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

Private Bills
initiated in
Council.

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

Expenses to
be met before
presented for
assent.

423. Upon the final passing of any Private Bill originated in the Assembly the Clerk of the Assembly shall certify that all expenses incurred during the passage of the Bill through both Houses have been met, before the Speaker shall present the same for Her Majesty's assent.

Not to be
numbered.

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

Proceedings
on Private
Bills inter-
rupted in one
Session may
be renewed,
upon Petition
in the next.

425. If the Promoters of any Private Bill originated in the Assembly, with respect to which Bill, proceedings have been interrupted in either House by the close of the Session before their completion, shall petition the Assembly within ten clear sitting days after the commencement of the next Session for leave to proceed with the same Bill, and the Petition be received, then such Bill shall be brought in again, but with such alterations as may have been made in the Assembly, and read a first time without notice or debate; and it may also, on a motion then put, without notice, and agreed to, be, without further notice or debate, passed through all the subsequent stages through which it had passed in the previous Session; but should such motion be negatived, then the Bill shall be proceeded with in the ordinary way. Provided that it shall not be necessary to refer such Bill to a Select Committee, or to a Committee of the Whole, if it shall previously have been reported on by a similar Committee. Provided further that it shall not be necessary to consider in Committee of the Whole such portions of a Bill so revived as shall have been already considered in a Committee of the Whole during the previous Session.

When Bill
had not been
reported on
by Select
Committee.

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

Standing
Orders held
to be complied
with.

427. In the case of every such interrupted Private Bill revived as provided in Rule 425, the Standing Orders shall be held to be satisfied in all respects, so far as they shall have been complied with in the previous Session.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITION—BOWERS AND ANOTHER *v.* THE SITTING
MEMBERS, SOUTH SYDNEY.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

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

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	5
Minutes of the Proceedings of the Committee	6
Evidence	11

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

ELECTION PETITION—BOWERS AND ANOTHER v. THE SITTING MEMBERS,
SOUTH SYDNEY.

VOTES No. 3. FRIDAY, 1 MARCH, 1889.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

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

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

“ Joseph Hector Carruthers, Esquire,	“ Charles Alfred Lee, Esquire,
“ Robert George Dundas Fitzgerald,	“ Alexander Ryrie, Esquire,
“ Esquire,	“ Bruce Smith, Esquire, and
“ James Hayes, Esquire,	“ Robert Bliss Wilkinson, Esquire,

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

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this first day of March, in the year of our Lord one thousand eight hundred and
“ eighty-nine.

“ JAMES HENRY YOUNG,
“ Speaker.”

VOTES No. 5. WEDNESDAY, 6 MARCH, 1889.

6. ELECTION PETITION (*South Sydney*) :—Mr. Dibbs, by command, laid upon the Table an Election Petition, which had been addressed to His Excellency the Governor, from James Bowers and Charles Coulton, alleging that at the last General Election, and upon the examination of the Ballot-papers after the closing the Poll for the Electoral District of South Sydney, it was found that a large number of such Ballot-papers had not the initials of the Presiding Officer or Officers, as required by law, and were not rejected, but were improperly and illegally initialled, and counted as formal; that many of the voting-papers which were declared informal were not so, and many were declared formal which were not so; and that, by reason of the premises, many votes should have been counted in favour of the candidates who were not declared duly elected; that, for these and other reasons stated, the Petitioners pray that their Petition may be dealt with according to law, and that the said Election for South Sydney may be declared null and void, or that such other determination may be made in the premises as may be just.

Ordered to lie on the Table.

VOTES No. 7. FRIDAY, 8 MARCH, 1889.

1. * * * * *

COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

(1.) *Maturity of Warrant reported* :—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Friday, 1st March, 1889, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee; and intimated that it was therefore open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Members Sworn* :—Charles Alfred Lee, Esquire, and Alexander Ryrie, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.

2. ELECTION PETITIONS :—Mr. Dibbs moved, That the following Election Petitions be referred to the Committee of Elections and Qualifications :—

* * * * *

(4.) From James Bowers and Charles Coulton, complaining of the Election and Return of William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin, Members for the Electoral District of South Sydney, laid upon the Table of this House on 6th March instant.

Question put and passed.

9.

9. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

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

" Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

" Frank James Smith, Esquire, and
" John Rendell Street, Esquire,

" being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Joseph Hector Carruthers, Esquire, and Bruce Smith, Esquire, whose Seats in the said Assembly were this day declared vacant, by reason of their acceptance of the offices of Minister of Public Instruction and Secretary for Public Works respectively.

" Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
" this eighth day of March, in the year of our Lord one thousand eight hundred and
" eighty-nine.

" JAMES HENRY YOUNG,
" Speaker."

VOTES No. 11. TUESDAY, 9 APRIL, 1889.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

(1.) *Maturity of Warrant reported* :—Mr. Speaker reported that his Warrant, laid upon the Table on the 8th March last, appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Smith and Mr. Street to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Members of Committee Sworn* :—James Hayes, Esquire, Frank James Smith, Esquire, and John Rendell Street, Esquire, came to the Table and were sworn by the Clerk as Members of the Committee.

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

12. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Robert Bliss Wilkinson, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

16. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Pursuant to the requirement of the 59th section of the Electoral Act of 1880, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at eleven o'clock a.m., to-morrow, the 11th instant, in Committee Room No. 3.

VOTES No. 17. THURSDAY, 25 APRIL, 1889.

5. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—(*Election Petition—Bowers and another v. The Sitting Members, South Sydney*) :—Mr. Lee, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Committee of Elections and Qualifications, to whom was referred, on 8th March, 1889, the Petition of James Bowers and Charles Coulton against the return of the sitting Members for the Electoral District of South Sydney.

And the said Report was read at length by the Clerk, by direction of Mr. Speaker, as follows :—

" The Committee of Elections and Qualifications, duly appointed on 1st March, 1889, to whom was referred, on 8th March, 1889, a Petition from James Bowers and Charles Coulton, alleging that at the last General Election, and upon the examination of the ballot-papers after the closing of the Poll for the Electoral District of South Sydney, it was found that a large number of such ballot-papers had not the initials of the Presiding Officer or Officers, as required by law, and were not rejected, but were improperly and illegally initialled and counted as formal; that many of the voting-papers which were declared informal were not so, and many were declared formal which were not so; and that, by reason of the premises, many votes should have been counted in favour of the candidates who were not declared duly elected; that for these and other reasons stated, the Petitioners pray that their Petition may be dealt with according to law, and that the said Election for South Sydney may be declared null and void, or that such other determination may be made in the premises as may be just,—have determined and hereby declare;

" (1.) That William Henry Traill, Walter Edmunds, James Martin, and James Matthew Toohey, Esquires, the sitting Members, have been duly elected.

" (2.) That the Petition of James Bowers and Charles Coulton is not frivolous nor vexatious.

" (3.) That the Committee make no award as to costs.

" CHARLES A. LEE,
" Chairman."

" No. 3 Committee Room,

" Legislative Assembly, 25th April, 1889."

Ordered, on motion of Mr. Lee, that the Report and Minutes of the Proceedings and Evidence be printed.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

**ELECTION PETITION—BOWERS AND ANOTHER v. THE SITTING MEMBERS,
SOUTH SYDNEY.**

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 1st March, 1889, to whom was referred, on 8th March, 1889, a Petition from James Bowers and Charles Coulton, alleging that at the last General Election, and upon the examination of the ballot-papers after the closing the Poll for the Electoral District of South Sydney, it was found that a large number of such ballot-papers had not the initials of the Presiding Officer or Officers, as required by law, and were not rejected, but were improperly and illegally initialled, and counted as formal; that many of the voting-papers which were declared informal were not so, and many were declared formal which were not so; and that, by reason of the premises, many votes should have been counted in favour of the candidates who were not declared duly elected; that, for these and other reasons stated, the Petitioners pray that their Petition may be dealt with according to law, and that the said Election for South Sydney may be declared null and void, or that such other determination may be made in the premises as may be just,—have determined and do hereby declare:—

1. That William Henry Traill, Walter Edmunds, James Martin, and James Matthew Toohey, Esquires, the sitting Members, have been duly elected.
2. That the Petition of James Bowers and Charles Coulton is not frivolous nor vexatious.
3. That the Committee make no award as to costs.

CHARLES A. LEE,

No. 3 Committee Room,
Legislative Assembly,
25th April, 1889.

Chairman.

1889.

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

In the matter of the Election Petition, which had been addressed to His Excellency the Governor, from James Bowers and Charles Coulton, alleging that at the last General Election, and upon the examination of the Ballot-papers after the closing the Poll for the Electoral District of South Sydney, it was found that a large number of such Ballot-papers had not the initials of the Presiding Officer or Officers, as required by law, and were not rejected, but were improperly and illegally initialled; and counted as formal; that many of the voting-papers which were declared informal were not so, and many were declared formal which were not so; and that, by reason of the premises, many votes should have been counted in favour of the candidates who were not declared duly elected; that, for these and other reasons stated, the Petitioners pray that their Petition may be dealt with according to law, and that the said Election for South Sydney may be declared null and void, or that such other determination may be made in the premises as may be just.

THURSDAY, 11 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Lee, Mr. Ryrie,	Mr. Frank Smith, Mr. Street, Mr. Hayes.
------------------------	---

In attendance—

The Second Clerk Assistant.

1. On motion of Mr. Street, Mr. Lee was elected Chairman.
2. The Clerk, by direction of the Chairman, read the Extracts from the Votes and Proceedings referring to the appointment of the Committee. (*Vide Extracts, pages 3 and 4.*)
3. Resolved:—That the Chairman take the necessary steps to obtain the Attorney-General's opinion as to whether the Committee may proceed to business whilst a Member of the Committee has not been sworn in.
4. The Clerk, by the direction of the Chairman, read the Extract from the Votes and Proceedings by which the Petition of James Bowers and another was referred to the Committee. (*Vide Extract, page 3.*)
5. The Clerk then, by direction of the Chairman, read the Petition of James Bowers and another, to which the Bank deposit-receipt was attached, as follows:—

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

The humble Petition of James Bowers and Charles Coulton, —

SHOWETH:—

That at the last General Election of Members to serve in the Legislative Assembly of the Colony of New South Wales, William Henry Traill, Walter Edmunds, James Matthew Toohey, James Martin, John Plant Wright, Bernhard Ringrose Wise, and George Pile, were severally candidates for election as Members of the said Assembly for the Electoral District of South Sydney, and were severally persons entitled to be so returned.

That at the nomination for the said election, on Thursday, the thirty-first day of January, one thousand eight hundred and eighty-nine, each of them the said James Martin, Alban Joseph Riley, James Matthew Toohey, William Henry Traill, John Plant Wright, Walter Edmunds, Bernhard Ringrose Wise, and George Pile, were duly nominated and proposed as such Members. Mr. S. W. Whiddon, the Returning Officer for the Electoral District, then called for a show of hands separately in favour of each candidate, and upon the same being taken declared such show of hands to be in favour of James Matthew Toohey, William Henry Traill, Walter Edmunds, and John Plant Wright, whereupon a Poll was duly demanded on behalf of the other candidates, which was afterwards taken on Saturday, the second day of February, then following.

That before and at the time of the said nomination, and from thence, your Petitioners were and still are persons who had a right to vote at the said Election.

That the said Returning Officer on the day of the declaration of the Poll for the said Electoral District declared the number of votes polled for the respective candidates to be as follows:—

For the said William Henry Traill.....	3036
" Walter Edmunds	2996
" James Matthew Toohey.....	2934
" James Martin	2918
" John Plant Wright	2912
" Bernhard Ringrose Wise	2899
" Alban Joseph Riley.....	2824
" George Pile	2805

And thereupon declared the said William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin to be duly elected as Members of the said Assembly for the said Electoral District of South Sydney, and the said Returning Officer afterwards and in due time endorsed on the writ for the said Election the names of the said William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin as the persons so elected, and returned the said writ to your Excellency, as required by law.

That upon the examination of the ballot-papers taken from one or more of the ballot-boxes after the closing of the Poll by the Presiding Officer or Officers for the purpose of ascertaining the number of votes recorded for each of the candidates, it was found that a large number of such ballot-papers, to the number of one hundred and fifty at the least, as your Petitioners verily believe, had not the initials of the Presiding Officer or Officers, as required by law, and were therefore informal, and the said Presiding Officer or Officers did not thereupon reject such papers in accordance with the thirty-fifth section of the Electoral Act of 1880, but improperly and illegally initialled and improperly and illegally counted the same as formal, whereby the said William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin may have been made to appear to have a majority of the said votes recorded at the said Election, whereas if the ballot-papers had not been so improperly and illegally initialled and counted as aforesaid, neither of the persons so declared to be duly elected as aforesaid might have had such a majority of these votes as were so declared by the said Returning Officer.

That

7

That your Petitioners have heard, and verily believe, that many of the voting-papers which were declared informal were not informal, and that many of the voting-papers which were declared to be formal were not formal, and that by reason of the premises many votes should have been counted in favour of the said James Martin, and the said Alban James Riley, and the said Bernhard Ringrose Wise, and the said George Pile, or one or more of the same, which were not counted for him or them; and that by reason of the premises in this and the preceding clause many votes were counted for the said William Henry Traill, and the said James Matthew Toohey, and the said Walter Edmunds, and the said John Plant Wright, or one or more of the same, which ought not to have been counted for him or them, whereby the said William Henry Traill, and the said Walter Edmunds, and the said James Matthew Toohey, and the said James Martin were not, nor were any one or more of them, lawfully elected, and are not, nor is any one or more of them, Members or a Member of the said Legislative Assembly.

That your Petitioners, pursuant to the said Electoral Act of 1880, caused the sum of one hundred pounds to be deposited with the Bank of New South Wales, Sydney, to the credit of the Speaker of the Legislative Assembly, in relation to this Petition, and the Bank deposit-slip for such receipt is hereunto annexed.

Your Petitioners, therefore, humbly pray that this Petition may be dealt with according to law, and that the said Election for South Sydney may be declared null and void, and the return of the said William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin as Members of the said Legislative Assembly for the said Electoral District be also declared null and void for the reasons aforesaid; and that the said William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin were not, nor was any one or more of them lawfully elected, and are not, nor is any one or more of them, such Members or Member of the said Legislative Assembly for the said Electoral District, and that such further or other order and determination may be made in the premises as may be just.

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

JAMES BOWERS,
No. 743 on Electoral Roll for South Sydney, householder, 356, Riley-street.
C.H. COULTON,
No. 1758 on Electoral Roll for South Sydney, leaseholder, Foveaux-street.

Sydney, 5 March, 1889.

PAID into the Bank of New South Wales the sum of one hundred pounds, to be placed to the credit of the Speaker of the Legislative Assembly of New South Wales, by the hands of

W. H. ROFF,
For James Bowers and Charles Coulton.
Dup £100. E. G. ALLINGHAM,
Teller.

6. The Clerk submitted a letter from the Honorable the Speaker enclosing certified copies of letters he had received from William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin, Esquires, giving notice of their intention to defend their Seats, which he read, as follows:—

“Legislative Assembly Chamber,
Sydney, 10 April, 1889.

“To the Committee of Elections and Qualifications,—

“Gentlemen,

“I have the honor to transmit to you herewith copies of letters which have been received by me from William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin, Esquires, the sitting Members for South Sydney, giving notice of their intention “to defend their return, against which a Petition is now under your consideration.

“I have, &c.

“JAMES HENRY YOUNG,
“Speaker.”

[Enclosures.]

Sir,

I beg to inform you that it is my intention to defend the Seat I occupy as Member for South Sydney, against the Petition of James Bowers and Charles Coulton.

Yours, &c.,
JAMES TOOHEY.

The Honorable the Speaker.

A true copy.—JAMES HENRY YOUNG, Speaker.

Sir,

I have the honor to give you notice that with reference to the Petition presented by James Bowers and Charles Coulton against the return of the Members declared elected for South Sydney, at the General Election in January, 1889, I, as one of the sitting Members to whose election such Petition relates, ask to be admitted as a party to oppose the said Petition and defend my return.

I am, &c.,
W. H. TRAILL.

The Honorable the Speaker of the Legislative Assembly.

A true copy.—JAMES HENRY YOUNG, Speaker.

Sir,

I have the honor to give you notice that with reference to the Petition presented by James Bowers and Charles Coulton against the return of the Members declared elected for South Sydney, at the General Election in January, 1889, I, as one of the sitting Members to whose election such Petition relates, ask to be admitted as a party to oppose the said Petition and defend my return.

I am, &c.,
W. EDMUND.

The Honorable J. H. Young, Speaker of the Legislative Assembly.

A true copy.—JAMES HENRY YOUNG, Speaker.

Sir,

Referring to the Petition of James Bowers and Charles Coulton, praying that the late Election for South Sydney should be declared null and void, which Petition was referred to the Elections and Qualifications Committee on the 8th March instant, I have the honor to request that I may be admitted as a party to the reference, and be allowed to defend my Seat before the Committee.

I have, &c.,
JAMES MARTIN.

The Honorable the Speaker of the Legislative Assembly.

A true copy.—JAMES HENRY YOUNG, Speaker.

3 April, 1889.

7. Committee deliberated and ordered :—

- (1.) That Mr. S. T. Whiddon, the Returning Officer, together with the Presiding Officers, at the late Election for South Sydney, be summoned to give evidence next meeting.
- (2.) That the parties concerned in the Petition "Bourke against Perry—The Richmond," be informed that the hearing will be proceeded with on Thursday next, and that the Secretary to the General Post Office be summoned to give evidence on that day.
- (3.) That the parties concerned in the Petition "M'Kinnon against Young and Roberts—The Hastings and Manning," be informed that the hearing will be proceeded with on Thursday, the 25th instant, and that James M'Inherney the Returning Officer, and the Presiding Officers at the Polling-places Beechworth and Kendall, be summoned to give evidence on that day.

8. Committee adjourned until Tuesday next, at half-past 10 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 16 APRIL, 1889.

MEMBERS PRESENT :—

Mr. Lee in the Chair.

Mr. Frank Smith,
Mr. Street,

Mr. Ryrie,
Mr. Hayes.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Chairman reported that, in accordance with the request of the Committee, he had written to the Attorney-General for his opinion as to whether the Committee was properly constituted whilst one of its members was not sworn in, and had received a reply from the Secretary. By direction of the Chairman, the letter and the reply thereto, were read by the Clerk, as follows :—

Sir, Legislative Assembly, No. 3 Committee Room, 11 April, 1889.
I have been requested by the Committee of Elections and Qualifications to submit, for your opinion, the following point in connection with the constitution of that Committee,

"The Committee has been duly appointed under the warrant of the Speaker, and six of the gentlemen appointed have taken the necessary oath."

On the 10th instant, when six only of the said Committee of seven had been sworn, the Speaker appointed the day for the first meeting. The Committee met accordingly.

The question now submitted for your consideration is—"Is the Committee of Elections and Qualifications, with six only of its members sworn, legally constituted, and entitled to proceed with the business referred to it?"

I have, &c.,
CHARLES A. LEE,
Chairman.

The Honorable the Attorney-General, Sydney.

Sir, Attorney-General's Department, Sydney, 12 April, 1889.

I am directed to acknowledge the receipt of your letter of the 11th instant applying, by desire of the Committee of Elections and Qualifications, for the opinion of the Attorney-General upon a point in connection with the construction of such Committee, and to inform you that Mr. Simpson regrets he cannot advise in a matter of this kind, as it is neither within his province nor his duty as Attorney-General to do so.

I have, &c.,

W. W. STEPHEN.

C. A. Lee, Esq., M.P., Legislative Assembly.

3. Parties called in.

Present :— Mr. James Bowers (*one of the Petitioners*).

Mr. Charles Coulton (*one of the Petitioners*).

James Matthew Toohey, Esquire (*one of the Sitting Members*).

Mr. Doyle (*for Mr. Edmunds, one of the Sitting Members*).

4. Frederick William Webb, Esquire, Clerk of the Legislative Assembly, called in, sworn, and examined. Witness produced the Writ of Election certifying to return of William Henry Traill, Walter Edmunds, James Matthew Toohey, and James Martin, as Members for South Sydney. Witness also produced the parcel of ballot-papers as received from the Returning Officer for South Sydney.

Witness withdrew.

5. Mr. James Bowers, one of the Petitioners, sworn, and examined.

Mr. Toohey put certain questions, which the witness refused to answer, and appealed to the Chairman to insist upon the questions being answered.

Room cleared.

Committee deliberated and decided to disallow the questions.

Parties called in, and Mr. Toohey informed.

Witness withdrew.

6. Samuel Thomas Whiddon, Esquire, Returning Officer for South Sydney, called in, sworn, and examined.

Witness withdrew.

7. Mr. Francis Northey Alldritt, a Presiding Officer at the late South Sydney Election, called in, sworn, and examined.

Witness withdrew.

8. Mr. Charles William Coulton, one of the Petitioners, sworn, and examined.

Witness withdrew.

9. Mr. William Solomons called in, sworn, and examined.

Witness withdrew.

10. Walter Edmunds, Esq., one of the sitting Members, entered the room, and, having addressed the Committee, the parties withdrew.
11. The Committee adjourned to To-morrow, at Half-past Ten o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 17 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Lee in the Chair.

Mr. Frank Smith,	Mr. Hayes,
Mr. R. B. Wilkinson,	Mr. Ryrie,
Mr. Street.	

1. In attendance,—
The Second Clerk Assistant.
2. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
3. The Committee proceeded to the scrutiny of the ballot-papers.
4. Committee adjourned till To-morrow, at One o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 18 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Lee,	Mr. Street,
Mr. Hayes,	Mr. Frank Smith.

There not being five members present one hour after the time appointed for the meeting of the Committee, the members present adjourned to Wednesday next, at Half-past One o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

WEDNESDAY, 24 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Lee,	Mr. Hayes,
Mr. Ryrie,	Mr. R. B. Wilkinson,
Mr. Frank Smith.	

1. The Clerk, by direction of the Chairman, read the minutes of the previous meetings, which were confirmed.
- Committee deliberated.
- Committee adjourned to To-morrow, at Ten o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 25 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Lee in the Chair.

Mr. Hayes,	Mr. Street,
Mr. Frank Smith,	Mr. Ryrie.

In attendance—
The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Committee proceeded to the further scrutiny of the ballot-papers.
3. The Chairman reported the result of the scrutiny, as follows:—

William Henry Traill ...	...	...	...	...	...	3,030
Walter Edmunds ...	...	...	...	...	...	2,998
James Martin ...	...	...	...	...	...	2,928
James Matthew Toohey ...	...	...	...	...	...	2,926

4. The Committee then deliberated as to their Report.
Moved by Mr. Hayes, seconded by Mr. Street,—“That William Henry Traill, Walter Edmunds, James Martin, and James Matthew Toohey, the sitting Members, have been duly elected.”
Carried.
Moved by Mr. Hayes, seconded by Mr. Frank Smith,—“That the Petition of James Bowers and Charles Coulton is not frivolous nor vexatious.”
Carried.
Moved by Mr. Hayes, seconded by Mr. Street,—“That the Committee make no award as to costs.”
Carried.
5. Resolved, That the conclusions at which the Committee have arrived be embodied in a Report and presented to the House.

R. W. ROBERTSON,
Second Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
Aldritt, Mr. Francis Northey	13
Bowers, Mr. James	11
Coulton, Mr. Charles William	15
Solomons, Mr. William	15
Webb, Frederick William, Esq.	11
Whiddon, Samuel Thomas, Esq.	11

COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

**ELECTION PETITION—BOWERS AND ANOTHER v. THE SITTING MEMBERS,
SOUTH SYDNEY.**

TUESDAY, 16 APRIL, 1889.

Present:—

Mr. Hayes, Mr. Lee,	Mr. Frank Smith, Mr. Street;
------------------------	---------------------------------

Mr. Ryrie.

C. A. Lee, Esq., in the Chair.

Mr. Toohey, one of the sitting Members, appeared in person; Mr. Doyle, clerk to Mr. Brady, appeared on behalf of Mr. Edmunds; Mr. Traill and Mr. Martin were not present, and were unrepresented.

Frederick William Webb, Esq., Clerk to the Legislative Assembly, sworn and examined:—

1. *Chairman.*] Do you produce the writ for the last election for South Sydney? I produce the writ issued F. W. Webb, by His Excellency the Governor, on the 19th of January last, for the election of four Members to serve in the Legislative Assembly of the Colony, for the Electoral District of South Sydney, with the returning officer's certificate, to the effect that William Henry Traill, Esq., Walter Edmunds, Esq., James Matthew Toohey, Esq., and James Martin, Esq., were duly chosen the Members for the Electoral District of South Sydney, to serve in the said Legislative Assembly. [Document produced.]
2. Do you also produce the ballot-papers? I produce a large parcel endorsed as containing the ballot-papers, rolls, &c., used at the late election for South Sydney, on February 2, 1889, that endorsement being signed by the returning officer. [Parcel produced.]

Mr. James Bowers sworn and examined:—

3. *Chairman.*] Are you an elector for South Sydney? Yes.
4. Do you know your number on the roll? I do not remember it.
5. Did you vote at the last South Sydney election? Yes.
6. You are a party to a petition against the return of the four sitting Members for South Sydney; was that petition signed by you? Yes.
7. Is this your signature to the petition? Yes. [Petition produced and read.]
8. *Mr. Toohey.*] In your petition you make a statement in regard to certain ballot-papers which were not initialled—were you a scrutineer at that election? I was not.
9. How did you get your information? From those who were.
10. From whom personally? From different people.
11. Will you name one? No; I will not name any.
12. There is £100 placed to the credit of the Speaker of the Assembly in connection with your petition; was that your own money? I won't say whether it was or not.

J. Bowers.

16 April, 1889

Samuel Thomas Whiddon, Esq., sworn and examined:—

13. *Chairman.*] You are the returning officer for the Electoral District of South Sydney? I am.
14. Did you act in that capacity at the last General Election? I did.
15. Both at the polling on the 2nd of February and at the nomination on the 31st of January? Yes.
16. Will you be good enough to tell the Committee how many candidates were nominated? Eight.
17. And their names? W. H. Traill, Walter Edmunds, James Matthew Toohey, James Martin, J. P. Wright, B. R. Wise, A. J. Riley, and George Pile.
18. Is that your signature on the parcel containing the ballot-papers and other documents used at the last election for South Sydney? To the best of my knowledge it is my signature.
19. *Mr. Frank Smith.*] Are the papers sealed up by you? They are sealed by the presiding officers in each booth.
20. But is the parcel sealed by you? Not by my hands, but in my presence by the deputy.
21. *Chairman.*] Is this the electoral list used by you at your polling-booth? Yes.

S. T.
Whiddon,
Esq.

16 April, 1889.

S. T.
Whiddon,
Esq.

16 April, 1889.

22. Will you turn to No. 743:—what is the name of the elector? Bowers Thomas, 356, Riley-street, leaseholder.
23. Did he vote? I could not swear that he did.
24. Has the name been voted for? It has.
25. How many polling-booths were there? Eight.
26. Can you remember the letters of each? Yes. A, B; C, D; E, F, G; H, I, J, K; L, M; N, O, P, Q, R; S, T; U to Z.
27. At which of the booths did you preside? At A, B.
28. Can you give the names of the gentlemen who presided at the respective polling-booths? Myself at A, B; Mr. W. H. Whiddon at C, D; Mr. A. C. Begby at E, F, G; Mr. F. N. Alldritt at H, I, J, K; Mr. C. L. Morgan at L, M; Mr. Thomas Ridley at N, O, P, Q, R; Mr. C. Eden at S, T; Mr. J. B. Mote at U to Z.
29. Did you provide the printed ballot-papers? I did.
30. And supplied them to the presiding officers? Yes.
31. Did you initial those papers before you issued them to the presiding officers? No; it is not usual.
32. When you were counting the votes at the close of the poll, were there any ballot-papers in your ballot-box that were not initialled? No; none whatever.
33. As returning officer were you informed of any alleged irregularity that had occurred in any of the polling-booths? I was;—at one only.
34. Which one was that? That would be the one at which Mr. Alldritt was presiding, H, I, J, K. It was reported to me early in the morning by my deputy, Mr. William Solomons, that one of the presiding officers had been issuing a number of papers, accidentally, as far as I can understand, without initialling them in the usual way. I was asked by several of the scrutineers what I intended to do. I said that I could not interfere at present, but that before 4 o'clock I would give my decision. I asked them at that time whether they were all satisfied that the papers had been properly used. I put the question to each scrutineer, and they all replied, "Yes." A few minutes before 4 o'clock I went round to the polling-booth and said, "Directly the poll closes sort out your papers, and when you find any of them not initialled put them aside and afterwards initial them, so that they may be initialled before the final count;" I asked, "Does that satisfy you?" and they all said, "Yes." I requested a scrutineer for each side to take particular notice of this being done. One of the scrutineers was Mr. Forsythe, junior; the other was a person whose name I cannot recollect, though I know him personally. They each undertook to see that this was properly done, and at the final count I asked the question, and they said it had been properly done, as I directed. That is all I know about it.
35. And then the ballot-papers were delivered to you sealed in the usual form? Yes.
36. Did the presiding officer inform you as to how many uninitialled papers he had given out? He could not well get at that; the papers are done up in packets of 100. I know that one parcel had gone, and he had opened the second.
37. But did he say how many were found in the ballot-box without initials? The number was not counted. I wished the number not to be counted because my idea was that they should not be known from the other papers, so that the intention of the voters should not be known from them any more than from the others.
38. Did the presiding officer inform you how the votes were on those particular papers? No; and he did not know. I asked the question, and it was not known to any of them. My desire was that they should not know—that the papers should be treated in such a manner that it should not be known. I may be permitted to explain that this was a difficulty that had never arisen before. I consulted Mr. Solomons, who has conducted elections ever since we have had elections, and a similar case had never occurred in his experience, so that I was in some difficulty as to what I should do, and I took what I conceived to be a strictly conscientious course.
39. Then I understand that you instructed the presiding officer to initial those papers, and to place them with the other papers and count them? Yes, before the final count was made.
40. And they were so counted? Yes; and recorded in the totals of the votes.
41. *Mr. Frank Smith.*] Have you any means of knowing whether the uninitialled papers were regularly used in voting? If you remember, I asked the question whether any of the men had any doubt as to any improper use having been made of the papers, and they all said they were quite sure that every one of the papers had been placed in the box.
42. Whom in particular did you ask? Mr. Forsythe, who was a scrutineer in that booth, and another, a stout man, whose name I cannot call to mind. I asked them all, indeed.
43. Can you give us the name of any other man that you asked in the same booth? Not particularly, because I was going about from one booth to another every hour or three-quarters of an hour.
44. Why do you remember Mr. Forsythe? Because I have known him from boyhood.
45. How many scrutineers were in that booth? Two for four candidates, and four for the other four in all cases.
46. And you do not remember any but the one? No. You see there were a great number of scrutineers in the booths, and I had my attention taken up by looking after the smooth running of the election.
47. And did you not, when this irregular course was reported to you, adopt every possible means to see that no improper use was made of the ballot-papers? Certainly.
48. And you cannot tell us the name of any other scrutineer? I could ascertain the name of the stout man, but I cannot think of it now. The poll-clerk's name was Dallam.
49. Do you remember how many ballot-papers you issued to that booth? I cannot tell you, but I think it was 1,000 or 1,200.
50. Who will tell us that? Mr. William Solomons, my deputy.
51. *Chairman.*] Would he know the number of papers issued to each presiding officer? Yes; that is his special duty.
52. *Mr. Frank Smith.*] How many did you hand to your deputy;—do you remember that? I do not hand them at all. He obtains them; he acts on my responsibility.
53. Do you not check the number of papers your deputy obtains? Never. It is never done at any election.
54. Do you sign the voucher for the number? No. The usual number is ordered for East, West, and South Sydney, and all that are not used are afterwards returned.

55. Then you do not know how many your deputy got? Not the total number.

56. *Chairman.*] But your deputy would know? Yes; it is his special duty to look after that.

57. *Mr. Street.*] After the initialling of those papers by the deputy, was there any difference between the numbers and the rough count you had previously made? No.

58. They did not detect any in the total numbers? None whatever. I may say that I took every precaution that anybody could take, under the circumstances, to see that no wrong was done, and I scarcely think that anybody could have taken more care than I did.

59. *Mr. Hayes.*] You say that you had the papers put on one side before the count commenced;—were they put in a separate packet? No. They were mixed up with the others. The object was to find out first which were not initialled, and then to initial them and mix them with the others.

60. *Mr. Toohey.*] I presume that your only object was that the electors who had used the uninitalled ballot-papers should not be disfranchised by the action of the presiding officer? Just so. My idea was this: In the ordinary course, when the papers were found in the ballot-box, they would be rejected as informal, because they were uninitalled, and the voters would therefore be disqualified by the act of my officer; and in order to avert that I took the precautions I have stated.

61. That was the only course you could take in fairness to the electors? I could not see any other. The presiding officer has had many years' experience in elections, and I engaged him on that account; he was unknown to me, excepting as an efficient clerk.

62. No irregularity in the other booths was reported to you? None, whatever.

63. And if you had not adopted the course you did, a certain number of voters would have been robbed of their votes through no act of their own? Yes. I was particularly careful to ascertain whether any improper use had been made of the papers; but the men, one and all, told me that no improper use had been made of them—that they had all gone into the ballot-box. The matter occurred early in the morning when the polling was very slow, so that they were all quite sure that no improper use had been made of the papers, but that the votes had been properly recorded, excepting as to the omission of the initials.

64. *Chairman.*] At all events it would be impossible now to identify the papers? I do not think it could be done.

65. *Mr. Toohey.*] If you had not adopted the course you did, would you not realise that each presiding officer could of himself prevent an election by neglecting to take that course? Certainly he could, to a very great extent.

Mr. Francis Northey Alldritt sworn and examined:—

66. *Chairman.*] Do you remember the occasion of the last general election for the electoral district of South Sydney? I do.

Mr.
F. N. Alldritt.

67. Did you act as presiding officer at one of the polling-booths? I did; at the one with the letters H, I, J, K.

16April, 1889.

68. You had a poll-clerk assisting you? Yes; Mr. Dallam.

69. Did you receive the ballot-papers from the returning officer on that occasion? Yes.

70. How many did you receive? Ten parcels, containing 100 each.

71. From whom did you get them—Mr. Whiddon or Mr. Solomons? From Mr. Solomons.

72. Were those papers initialled when you received them? No, they were not. I thought they were; but I found out afterwards that they were not.

73. Well, to put the matter shortly, it is alleged that at your polling-booth, at the close of the poll, a number of ballot-papers were found in the box without your initials—is that correct? It is correct.

74. How many were there? Well, I do not know, really. I should say about 140. I will explain the matter. When I received the papers I saw there was a stamp upon them, and having presided at the municipal election for Sydney, I noticed that all the ballot-papers at that election were initialled by the returning officer. I did not see the initials of the returning officer on these papers, but I saw a stamp, and I thought that it had been used by the returning officer instead of his initials. I did not know that I had to initial them.

75. What sort of a stamp was it that you saw on the ballot-paper—an impressed stamp? Yes. I found out afterwards that it was the Government Printer's stamp.

76. Was that stamp on the whole of the papers that you used? It was on a great many of them.

77. What did you do with the papers without the initials? They were initialled afterwards.

78. By whom? By myself.

79. And what did you do with them then? They were not initialled until they came out of the box.

80. And after that, what did you do with them? They were put on a file along with those that had been initialled.

81. Did you count them with the other papers? No, I did not count them; but there were as nearly as possible about 140.

82. You do not exactly understand my question—did you count them with the other papers as so many formal ballot-papers? Yes; there was no objection taken by any of the scrutineers.

83. Will you tell the Committee why you initialled those ballot-papers? It was arranged by the scrutineers that it should be done afterwards. Mr. Whiddon spoke to them, and there was no objection made. I initialled the papers in their presence, and they signed the papers afterwards.

84. When did you first discover that the papers were not initialled? I did not discover it until Mr. Solomons drew my attention to it.

85. At what time of the day? As nearly as I can remember, it would be somewhere about 10 o'clock.

86. You were then asked [by Mr. Solomons, the returning officer, whether you had handed any ballot-papers to voters without your initials? Yes.

87. And your reply was? That I had.

88. What took place then? Mr. Solomons told me that it was a great pity, and to mind and initial them for the future. After that I initialled every paper. I told Mr. Solomons that I mistook the Government Printer's stamp as standing for Mr. Whiddon's signature.

89. After that, had you any consultation with the returning officer? No—excepting that he came in about ten minutes or a quarter of an hour before the poll was declared, and spoke to the scrutineers about initialling the papers afterwards, and there was no objection. In fact they agreed to it, as far as I can remember.

S. T.
Whiddon,
Esq.

16April, 1889.

Mr. 90. Did you keep any particular list of the persons to whom those 140 papers were given? Oh, no, I did
F.N. Aldritt. not keep any list.

16 April, 1889. 91. You did not furnish the returning officer with any list? No. I am as ignorant of that as you are.

92. Can you identify the papers? Certainly not.

93. Had you acted in the same capacity before? I had just acted as presiding officer in the municipal election for Sydney, on the 2nd December—two months before.

94. *Mr. Ryrie.*] Were the municipal ballot-papers initialled with a stamp? No; they were initialled by the returning officer, Mr. Chapman, and I thought the papers used in the South Sydney election would have to be initialled by the returning officer; and seeing the stamp, I mistook it for the stamp of the returning officer.

95. *Mr. Frank Smith.*] How many ballot-papers did you receive from Mr. Solomons? There were ten packages, supposed to contain 100 each.

96. Did you count them? Not every one.

97. Will you swear how many ballot-papers you received from the deputy returning officer? I received ten packets, supposed to contain 100 each.

98. You did not count them? No.

99. How many did you return to the deputy returning officer? Taking it for granted that there were 100 in each packet, I returned one packet and sixty-two, I think.

100. *Chairman.*] Did you return them to the deputy returning officer? I put them into the box.

101. Did you seal them up with the other papers that were used? Yes. They were all put into the box with the ballot-papers that were used—the electoral roll, and so on.

102. What do you mean by putting them into the box? The ballot-box.

103. What did you do with the papers that you returned? I put them into the box and gave them to the returning officer.

104. *Mr. Frank Smith.*] Up to 10 o'clock, when the irregularity was discovered, had anybody access to these papers? Nobody.

105. Will you swear distinctly that every one of those unininitialled ballot-papers that were put into the box were regularly voted? To the best of my belief, they were. I gave them out to the voters.

106. But suppose any man who had access to the Government Printing Office came into that polling-booth to vote as, say, John Brown, having half a dozen unininitialled ballot-papers in his pocket, would it not be possible for him to vote with them;—you see what the petition alleges? I have not seen the petition.

107. You say that no one had access to the papers before 10 o'clock;—will you swear that nobody took them or interfered with them? I will swear that nobody took them or interfered with them before me.

108. But you will not swear that all the papers that were afterwards found in the box were regularly voted? I could not exactly say that. I could not swear such a thing, because, supposing that a person came in with a ballot-paper from somewhere else, I could not swear how many were put into the box.

109. *Chairman.*] Were you personally in charge of that booth from 3 o'clock in the morning until 4 o'clock in the afternoon? Yes, with the exception of five minutes, when I went out. It was about 12 o'clock. I was relieved before I went out by Mr. Solomons.

110. You did not leave the booth without leaving a similar officer to yourself in charge? Certainly not.

111. And you were relieved by Mr. Solomons, who was acting as deputy for the returning officer? Yes.

112. *Mr. Frank Smith.*] Do you know as a matter of fact whether your parcel contained more or less than the exact number you received in the morning? I do not quite understand your question.

113. I want to know whether that parcel that contained your ballot-papers for the day contained exactly the same number that you received in the morning from Mr. Solomons? To the best of my belief it did.

114. *Chairman.*] This will settle that question. I will again ask you what you did with the used and the unused ballot-papers, the electoral list, and the other documents? They were all put into the ballot-box.

115. Did you place them in a package and seal them and address them to the returning officer? No.

116. Then you parted with the papers unsealed in the ballot-box, and handed the key over;—you cannot swear what became of the ballot-papers after that? No.

117. *Mr. Hayes.*] How many votes were polled at your booth? I gave out 830 ballot-papers, as near as I can recollect.

118. But how many votes were polled at your booth? I cannot tell you that; as nearly as I can remember, the votes polled in my booth were 3,216.

119. Can you tell how many ballot-papers you issued? As nearly as I can remember, 834.

120. And you say that you returned unused 162? As nearly as I can remember; that makes the 1,000.

121. *Mr. Toohey.*] In answer to Mr. Smith you were unable to swear positively that the number of votes corresponded with the number of papers you gave out, but as nearly as you can remember they did correspond? Yes.

122. Then, again, you, in conjunction with the scrutineers, agreed to the ballot-papers being initialled in the afternoon after the ballot had been taken? Yes.

123. The object, I presume, was that those who by accident would have been disfranchised should not be disfranchised;—you had no other object but to secure fair play in the election? No other object at all. My duty was to act impartially.

124. And the scrutineers also agreed with the returning officer that that was the fairest course to adopt? Yes.

125. Will you give the names of the scrutineers who acted in your booth? My polling-clerk was Mr. Dullam; then there was a Mr. Ferney, and a Mr. Forsythe. I do not remember the other names.

126. *Mr. Street.*] Was the key of the ballot-box kept in your possession? Yes, during the election.

127. And at the close of the election you put the unused ballot-papers and the electoral rolls into the box? Yes.

128. *Mr. Toohey.*] And no person could have had access to the box before you delivered it to the returning officer? No.

Mr. Charles William Coulton sworn and examined :—

129. *Chairman.*] Are you an elector for the electoral district of South Sydney? Yes. Mr. C. W. Coulton.
130. Did you vote at the last general election? Yes.

131. You are a party to a petition to the Governor against the return of the four gentlemen elected as Members for South Sydney? Yes. 16 April, 1889.

132. Did you sign the petition? Yes.

133. And is this your signature to it? Yes.

134. Do you happen to know your number on the roll? The name on the roll is Charles Coulton; but the qualification is quite correct.

135. Can you swear that this is your description on the roll—"Charles Coulton, leaseholder, Foveaux-street"? Yes.

136. *Mr. Toohey.*] Do you usually take an active part in elections? Well, yes. At the last Sydney elections I have taken an active part.

137. Were you on any committees in the last election? No; not on any.

138. What induced you to sign this petition? It was currently reported about the electorate, and the terms of the petition state it. I made one of two to comply with the Act, and ask for an investigation.

139. *Mr. Frank Smith.*] You say in your petition that you have heard, and verily believe, that many of the voting-papers which were declared informal were not informal. In what respect were they not informal; do you know anything about that allegation? No.

140. The petition is signed by you. You say further that "many of the voting-papers which were declared to be formal were not formal, and that by reason of the premises many votes should have been counted in favour of the said James Martin, and the said Alban James Riley, and the said Bernhard Ringrose Wise, and the said George Pile, or one or more of the same, which were not counted for him or them";—do you know anything about that allegation at all? Well, it is set forth in this way, as I have just noted it down here.

141. We want you to sustain these allegations, if you can? The information I received was that about 150 ballot-papers were used and put into the ballot-box without the endorsement of the chairman, and that at the conclusion of the ballot at 4 p.m. the presiding officer initialled those papers, thereby rendering the election invalid. If that is true, I consider that the election is invalid.

142. *Chairman.*] That has reference to one portion of your petition; you make two grounds upon which you petition—that is one; the other is that you "verily believe that many of the voting-papers which were declared informal were not informal, and that many of the voting-papers which were declared to be formal were not formal; and that by reason of the premises many votes should have been counted in favour of the said James Martin, and the said Alban James Riley, and the said Bernhard Ringrose Wise, and the said George Pile, or one or more of the same, which were not counted for him or them; and that by reason of the premisses in this and the preceding clause many votes were counted for the said William Henry Traill, and the said James Matthew Toohey, and the said Walter Edmunds, and the said John Plant Wright, or one or more of the same, which ought not to have been counted for him or them, whereby the said William Henry Traill, and the said Walter Edmunds, and the said James Matthew Toohey, and the said James Martin were not, nor were any one or more of them, lawfully elected, and are not, nor is any one or more of them, Members or a Member of the said Legislative Assembly";—have you any evidence to give in support of that? Only this—I consider that the whole thing is summed up in this—that the election was invalid on account of the papers being dealt with in the way I stated.

143. *Mr. Toohey.*] Then why do you make the other allegation which you cannot sustain? Well, I might sustain it with a little consideration, but I am not at present in a position to sustain it.

144. Have you any evidence to produce to sustain it at all? Yes; I can bring evidence.

145. *Mr. Frank Smith.*] Do you know of any direct evidence to sustain that second allegation? I have heard from one and another, that is all.

146. *Chairman.*] I must inform you that you cannot answer that question without incriminating some other person, as there are only certain persons who could give the information, such as the presiding officers, poll-clerks, and scrutineers, and they are sworn to secrecy? I could get the information from other people.

147. *Mr. Doyle.*] What evidence have you—will you name the parties who will give the evidence? I must consult them first. What I mean by bringing evidence is this—all the evidence I have is only hearsay evidence. I am not purporting to come here to prove this petition in any shape or form, but I considered, as an elector, that if this evidence is true, that the ballot-papers were dealt with in the way I have stated, it ought to be investigated by the Elections and Qualifications Committee.

148. *Chairman.*] We are past that; we are now at the second allegation. Are you prepared to produce your witnesses, or have you any witnesses to produce, in support of the second allegation, that certain papers were declared formal that were not formal, and that others were declared to be informal that were not informal? I have no witnesses of that description whatever.

Mr. William Solomons sworn and examined :—

149. *Chairman.*] You remember the last South Sydney General Election? Yes.

150. Did you act in some official capacity on that occasion? I acted as deputy returning officer.

Mr. W. Solomons.

151. We do not know you as deputy returning officer—there is no such officer provided for in the Electoral Act. You assisted Mr. Whiddon, the returning officer? Yes.

16 April, 1889.

152. What were your particular duties? I acted in his booth when he was going round. I visited the booths to see that the election was properly conducted, that all the officers were at their posts, and I also assisted at making up the final state of the poll and in preparing the boxes.

153. Did you deliver the ballot-boxes to the several presiding officers? I did.

154. Do you remember how many papers you delivered to each? We had 9,000 printed, and we distributed a certain number among the different boxes and kept the balance.

155. Do you know how many were delivered to booth H, I, J, K, presided over by Mr Alldritt? I think 1,000.

156. Can you be sure? Yes; there were ten packets of 100 each.

Mr. W. Solomons. 157. At the close of the poll, did you receive the unused ones from him? No; they were brought into the A B booth.

16 April, 1889. 158. You did not receive them? No.
159. Did you receive any documents from him whatever after the close of the poll? No, except sealed up with his box. They were all brought into me at the A B booth.

160. *Mr. Frank Smith.*] Did you go to the Printing Office for the 9,000 ballot-papers? I gave the order there after the nomination.

161. Were they delivered to you? Yes, at the office, and I placed them in the boxes with an assistant.

162. You say that you gave a thousand papers to Mr. Alldritt? There was a thousand given for each booth, excepting the A B booth, where there were more.

163. But did you count the number you gave to Mr. Alldritt? I counted the packets. I did not count the papers in each packet.

164. Do you not think it your duty to count the papers in each packet? We have never found it necessary.

165. Suppose a man had access to the Government Printing Office, could he not take half a dozen ballot-papers in his pocket and put them in the ballot-box? If there were any beyond what were ordered to be printed, but you know they bear a stamp.

166. But what I want to know is this: Could not a man having access to the Government Printing Office put 100 votes in the ballot-box if he chose, unless there was some initialling to stop those votes from being improperly recorded? I do not see how it could be done with the presiding officer active in his duties.

167. But suppose he were not active in his duties? He must be very dull to allow anything of that kind.

168. Well, if he allows votes to be recorded without the papers being initialled, is that doing his duty? I think I can explain that if you will allow me.

169. What I want to get at is this, viz., how far you can prove to us that the number of ballot-papers which will appear in this parcel correspond with the number you gave to Mr. Alldritt in the morning? They correspond, with the exception of the unused papers.

170. Then you cannot prove it, because you cannot tell us, except to the best of your belief, how many you gave to him? No.

171. *Mr. Toohey.*] As a matter of fact, are the ballot-papers not prepared in packets of 100 each? Yes, and I believe the number is very correct.

172. *Mr. Hayes.*] You say that the presiding officer brought the sealed-up ballot-papers to your A B booth;—are you positive about that? Yes.

173. They were sealed up? Yes.

174. He did not bring them in together with the unused papers in the ballot-box? The papers were sealed and separate in the ballot-box.

175. They were sealed by the presiding officer at this booth and put into the box with the unused papers? Yes.

176. What became of the unused ballot-papers? They were taken back to the Government Printing Office.

177. Were they checked in any way? No.

178. *Mr. Street.*] Do you say that the ballot-boxes are empty when handed to the presiding officers? They contain all the necessary papers for carrying out the election. The presiding officers open the boxes themselves and fix up the papers, then lock the ballot-box and prepare for the election.

179. They are placed in the box by yourself? Yes.

180. And you are positive that nothing else but the papers necessary to carry on the election were placed in the ballot-boxes? Yes.

181. *Mr. Toohey.*] You say that these papers were brought into the returning officer's room and there locked;—were they taken from the boxes again? Yes.

182. In your charge? In my charge.

183. You do not understand me. There are various ballot-boxes. The presiding officers bring the boxes in with the papers locked up. Where are those boxes now; whose duty is it to take them? It is mine. I take the empty boxes to the Colonial Architect's office.

184. Where did you take the papers out? At the office.

185. Was anyone with you? My brother and his son.

186. Then the returning officer does not know whether the papers have been interfered with since the election or not? We prepare the papers and send them to the Clerk of the Assembly.

187. *Chairman.*] Who seals up each individual packet? The presiding officer for his booth.

188. Did Mr. Alldritt seal his papers? Yes; he brought them up to the A B booth, together with all the papers used in the election.

189. Are you sure that he delivered a sealed packet? Yes, as far as my memory goes.

190. Do you think he could have delivered the papers locked up in his ballot-box? The ballot-box, with the exception of the unused papers, was empty.

191. While all the documents relating to the election were in a sealed packet? Yes.

192. I presume you have acted as returning officer on many occasions, and you know the duties of the returning officer and presiding officers, and that it is necessary for each presiding officer to seal up his own papers and hand them to the returning officer, who has no power to open them? Yes; that is quite right.

193. *Mr. Hayes.*] Was your attention called to anything wrong at H, I, J, K booth? When I was going through the booth I noticed that Mr. Alldritt was giving his papers out without initialling them, and I called his attention to the circumstance. He said that he was not aware of it, but that he thought the stamp on the ballot-papers was Mr. Whiddon's stamp, and that he had no necessity to initial them. I told him that he must initial them, and he then commenced to do so, but a number had been placed in the box without his initials.

194. *Chairman.*] How did you see that? I could not see the papers in the ballot-box, but I could see that he had not been initialling them.

195. *Mr. Toohey.*] Mr. Whiddon consulted you as to the best course to adopt, and suggested that the papers should be initialled after the day's polling was over? Yes.

196. I presume your object was to prevent the disfranchisement of a number of voters through no fault of their own? Yes.

197. That was the only object you had in view? Yes.

1889.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTION PETITION—BOURKE *v.* PERRY—THE RICHMOND.

REPORT FROM THE COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE
AND

MINUTES OF EVIDENCE

AND

APPENDIX.

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

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	7
Minutes of the Proceedings of the Committee	8
List of Witnesses.....	9
Evidence	11
Appendix	14

1889.

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

ELECTION PETITION—BOURKE v. PERRY—THE RICHMOND.

VOTES No. 3. FRIDAY, 1 MARCH, 1889.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

“Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

“ Joseph Hector Carruthers, Esquire,	“ Charles Alfred Lee, Esquire,
“ Robert George Dundas Fitzgerald,	“ Alexander Ryrie, Esquire,
“ Esquire,	“ Bruce Smith, Esquire, and
“ James Hayes, Esquire,	“ Robert Bliss Wilkinson, Esquire,

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

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this first day of March, in the year of our Lord one thousand eight hundred and
“ eighty-nine.

“ JAMES HENRY YOUNG,
“ Speaker.”

VOTES No. 5. WEDNESDAY, 6 MARCH, 1889.

5. ELECTION PETITION (*The Richmond*):—Mr. Dibbs, *by command*, laid upon the Table an Election Petition, which had been addressed to His Excellency the Governor, from William Bourke, alleging that Petitioner is qualified to be elected a Member of the Legislative Assembly, and at the last General Election was a Candidate for the Electoral District of The Richmond; that, in addition to the Petitioner, three other persons—T. T. Ewing, B. B. Nicoll, and John Perry—were Candidates; that the said John Perry, at and after the Nomination, was Postmaster at Alstonville, receiving a salary voted by the Parliament of this Colony, being an office of profit under the Crown; that, under the circumstances detailed, the Petitioner was duly and legally elected; and praying that it shall be determined and reported to the Legislative Assembly that the said John Perry was not duly elected, and that the Petitioner was duly elected for the said Electoral District. Ordered to lie on the Table.

VOTES No. 7. FRIDAY, 8 MARCH, 1889.

1. * * * * *

COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Friday, 1st March, 1889, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee; and intimated that it was therefore open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Members Sicorn*:—Charles Alfred Lee, Esquire, and Alexander Ryrie, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.

2. ELECTION PETITIONS:—Mr. Dibbs moved, That the following Election Petitions be referred to the Committee of Elections and Qualifications:—

* * * * *

(3.) From William Bourke, complaining of the Election and Return of John Perry, a Member for the Electoral District of The Richmond, laid upon the Table of this House on 6th March instant.

* * * * *

Question put and passed.

9.

9. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

" Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

" Frank James Smith, Esquire, and

" John Rendell Street, Esquire,

" being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Joseph Hector Carruthers, Esquire, and Bruce Smith, Esquire, whose Seats in the said Assembly were this day declared vacant, by reason of their acceptance of the offices of Minister of Public Instruction and Secretary for Public Works respectively.

" Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney, " this eighth day of March, in the year of our Lord one thousand eight hundred and " eighty-nine.

" JAMES HENRY YOUNG,
" Speaker."

VOTES No. 11. TUESDAY, 9 APRIL, 1889.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported:*—Mr. Speaker reported that his Warrant, laid upon the Table on the 8th March last, appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Smith and Mr. Street to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Members of Committee Sworn:*—James Hayes, Esquire, Frank James Smith, Esquire, and John Rendell Street, Esquire, came to the Table and were sworn by the Clerk as Members of the Committee.

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

12. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Robert Bliss Wilkinson, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

16. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Pursuant to the requirement of the 59th section of the Electoral Act of 1880, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at eleven o'clock a.m., to-morrow, the 11th instant, in Committee Room No. 3.

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

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) Mr. Speaker informed the House that he had received a letter from Robert George Dundas FitzGerald, Esquire, resigning his appointment as a Member of the Committee of Elections and Qualifications, which letter he read to the House, as follows:—

" Camp, National Park, 26 April, 1889.

" J. H. Young, Esquire, M.P., Speaker, Legislative Assembly,—

" Dear Sir,

" I much regret that I have been unable to take the Oath as a Member of Elections and Qualifications Committee; and as I cannot do so during the ensuing week, I reluctantly tender you my resignation as a Member of that Committee, with a view to saving inconvenience, as pointed out by Mr. Lee.

" Yours truly,

" ROBT. GEO. D. FITZGERALD."

(2.) Mr. Speaker then, pursuant to the requirement of the Electoral Act of 1880, laid upon the Table his Warrant appointing Joseph Palmer Abbott, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

" PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

Joseph Palmer Abbott, Esquire,

" being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Robert George Dundas FitzGerald, Esquire, resigned.

" Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney, " this thirtieth day of April, in the year of our Lord one thousand eight hundred and " eighty-nine.

" JAMES HENRY YOUNG,
" Speaker."

VOTES

VOTES No. 22. WEDNESDAY, 8 MAY, 1889.

11. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, laid upon the Table on the 30th April last, appointing Joseph Palmer Abbott, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Abbott to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Member Sworn*:—Joseph Palmer Abbott, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee.

VOTES No. 23. THURSDAY, 9 MAY, 1889.

7. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—(*Election Petition—Bourke v. Perry, The Richmond*) :—Mr. Lee, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, and Appendix handed in to, the Committee of Elections and Qualifications, to whom was referred, on 8th March, 1889, the Petition of William Bourke against the return of John Perry as a Member for the Electoral District of The Richmond.

And the said Report was read at length by the Clerk, by direction of Mr. Speaker, as follows:—

"The Committee of Elections and Qualifications, duly appointed on 1st March, 1889, to whom was referred, on 8th March, 1889, a Petition from William Bourke, alleging that Petitioner is qualified to be elected a Member of the Legislative Assembly, and at the last General Election was a Candidate for the Electoral District of The Richmond; that, in addition to the Petitioner, three other persons—T. T. Ewing, B. B. Nicoll, and John Perry—were Candidates; that the said John Perry, at and after the Nomination, was Postmaster at Alstonville, receiving a salary voted by the Parliament of this Colony, being an office of profit under the Crown; that, under the circumstances detailed, the Petitioner was duly and legally elected; and praying that it shall be determined and reported to the Legislative Assembly that the said John Perry was not duly elected, and that the Petitioner was duly elected for the said Electoral District,—have determined and do hereby declare,—

"(1.) That John Perry, one of the Members for The Richmond, was not at the time of his election, and is not at the present time, the holder of an office of profit under the Crown; that he is not disqualified from sitting or voting as a Member of the Legislative Assembly.

"(2.) That the Petition is frivolous and vexatious.

"(3.) That the sum of £5 5s., out of the sum of £100 already lodged by the Petitioner, be awarded to the Sitting Member towards his costs and expenses.

"CHARLES A. LEE,

"Chairman."

"No. 3 Committee Room,

"Legislative Assembly, 9th May, 1889."

Ordered, on motion of Mr. Lee, that the Report and Minutes of the Proceedings and Evidence, together with Appendix, be printed.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITION—BOURKE v. PERRY—THE RICHMOND.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 1st March, 1889, to whom was referred, on 8th March, 1889, a Petition from William Bourke, alleging that Petitioner is qualified to be elected a Member of the Legislative Assembly, and at the last General Election was a candidate for the Electoral District of The Richmond; that, in addition to the Petitioner, three other persons—T. T. Ewing, B. B. Nicoll, and John Perry,—were candidates; that the said John Perry, at and after the nomination, was Postmaster at Alstonville, receiving a salary voted by the Parliament of this Colony, being an office of profit under the Crown; that, under the circumstances detailed, the Petitioner was duly and legally elected; and praying that it shall be determined and reported to the Legislative Assembly that the said John Perry was not duly elected, and that the Petitioner was duly elected for the said Electoral District,—have determined and do hereby declare:—

1. That John Perry, one of the Members for The Richmond, was not at the time of his Election, and is not at the present time, the holder of an office of profit under the Crown; that he is not disqualified from sitting or voting as a Member of the Legislative Assembly.
2. That the Petition is frivolous and vexatious.
3. That the sum of £5 5s., out of the sum of £100 already lodged by the Petitioner, be awarded to the sitting Member towards his costs and expenses.

CHARLES A. LEE,

Chairman.

No. 3 Committee Room,
Legislative Assembly,
9th May, 1889.

1889.

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

In the matter of the Election Petition, which has been addressed to His Excellency the Governor, from William Bourke, alleging that Petitioner is qualified to be elected a Member of the Legislative Assembly, and at the last General Election was a Candidate for the Electoral District of The Richmond; that, in addition to the Petitioner, three other persons—T. T. Ewing, B. B. Nicoll, and John Perry—were candidates; that the said John Perry, at and after the Nomination, was Postmaster at Alstonville, receiving a salary voted by the Parliament of this Colony, being an office of profit under the Crown; that, under the circumstances detailed, the Petitioner was duly and legally elected; and praying that it shall be determined and reported to the Legislative Assembly that the said John Perry was not duly elected, and that the Petitioner was duly elected for the said Electoral District.

THURSDAY, 9 MAY, 1889.

MEMBERS PRESENT:—

Mr. Lee, in the Chair,

Mr. Hayes,	|	Mr. Ryrie,
Mr. J. P. Abbott,	|	Mr. Street,
		Mr. Frank Smith.

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the Extracts from the Votes and Proceedings in reference to the resignation of Mr. FitzGerald as a Member of the Committee, and the appointment of Mr. J. P. Abbott in his place. [Vide Extracts, pages 4 and 5.]
2. The Clerk, by direction of the Chairman, read the Extract from the Votes and Proceedings, by which the Petition of William Bourke was referred to the Committee. [Vide Extract, page 3.]
3. The Clerk then, by direction of the Chairman, read the Petition of William Bourke, to which the Bank deposit-receipt was attached, as follows:—

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

The Petition of William Bourke, of 5, Little Bourke-street, Sydney, in the Colony of New South Wales,—

SHOWETH:—

1. That your Petitioner is a natural-born subject of Her Majesty the Queen, and qualified, according to section 10 of the Electoral Act of 1880, to be elected a Member of the Legislative Assembly of New South Wales.
2. That your Petitioner, at the last General Election, was a candidate for the Electoral District of The Richmond.
3. That at the Nomination your Petitioner was proposed and seconded by James F. O'Flynn and James White respectively, two persons duly qualified to vote for the election of Members of the Legislative Assembly for the said Electoral District.
4. That, in addition to your Petitioner, three other persons—T. T. Ewing, B. B. Nicoll, and John Perry—were candidates for the said Electoral District, which is represented by three Members in the Legislative Assembly.
5. That the show of hands at the said Nomination was declared by the Returning Officer to be in favour of T. T. Ewing, your Petitioner, and B. B. Nicoll.
6. That the said John Perry, at the time of and after the said Nomination, was Postmaster at Alstonville, in the Colony of New South Wales, receiving a salary voted by the Parliament of the said Colony, and in consequence was the holder of an office of profit under the Crown, within the meaning of section 18 of the Constitution Act (18 and 19 Victoria c. 54).
7. That the results of the votes polled in the said Electoral District placed the candidates in the following order:—1, T. T. Ewing; 2, B. B. Nicoll; 3, John Perry; 4, your Petitioner.
8. That the said John Perry was incapable of being elected as a Member of the Legislative Assembly.
9. That under the circumstances hereinbefore detailed your Petitioner was duly and legally elected a Member of the Legislative Assembly for the said Electorate of The Richmond.
10. That your Petitioner has paid into the London Chartered Bank, Oxford-street, the sum of one hundred pounds to the credit of the Honorable the Speaker of the Legislative Assembly in relation to this Petition; and your Petitioner has annexed to the said Petition a Bank deposit-receipt for the said sum of one hundred pounds.

Your Petitioner, therefore, respectfully prays that it shall be determined and reported to the Legislative Assembly that the said John Perry was not duly elected for the said Electoral District of The Richmond, and that it shall be determined and reported to the Legislative Assembly that your Petitioner was duly elected for the said Electoral District.

And your Petitioner will ever pray, &c.

WILLIAM BOURKE.

5, Little Bourke-street, Sydney,
28th February, 1889.

Sydney, 4th March, 1889.

PAID into the London Chartered Bank of Australia the sum of one hundred pounds sterling, to be placed to the credit of the Honorable the Speaker of the Legislative Assembly, by

WILLIAM BOURKE.

£100. Due.

A. R. CRANE,
Teller.

4. The Clerk submitted a letter from the Honorable the Speaker, enclosing a certified copy of a letter he had received from John Perry, giving notice of his intention to defend his Seat, which he read as follows:—

“Legislative Assembly Chamber,
Sydney, 10 April, 1889.

“To the Committee of Elections and Qualifications,—
“Gentlemen,

“I have the honor to transmit to you herewith a copy of a letter which has been received by me from John Perry, Esquire, one of the sitting Members for The Richmond, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

“I have, &c.,
“JAMES HENRY YOUNG,
“Speaker.”

[*Enclosure.*]

Sir,

Parliament House, 7 March, 1889.

In reference to the petition of William Bourke against my election as one of the Members for The Richmond, I have the honor to request that I may be allowed to be made a party to the case, and I beg to notify that I intend to defend my Seat.

I have, &c.,
JOHN PERRY.

The Speaker, Legislative Assembly.

A true copy.—JAMES HENRY YOUNG, Speaker.

5. Parties called in.

Present:—John Perry, Esq. (*the sitting Member*).

William Bourke, Esq. (*the Petitioner*).

Thomas Marshall, Esq. (*Solicitor for the sitting Member*).

6. Frederick William Webb, Esq., Clerk of the Legislative Assembly, called in, sworn, and examined.
Witness produced Writ of Election certifying to return of Thomas Thompson Ewing, Bruce Baird Nicoll, and John Perry, as Members for The Richmond.

Witness withdrew.

7. William Bourke, Esq., the Petitioner, sworn and examined.

8. Samuel Harbord Lambton, Esq., Secretary to the General Post Office, called in, sworn, and examined.
Witness produced documents relating to the appointment and resignation of Mr. Perry, and appointment of Mr. Perry, junior, also mail time-bills, which were ordered to be appended. [*Vide Appendices A to I.*]

9. Mr. Daniel Hogan called in, sworn, and examined.

10. Mr. William Bourke addressed the Committee.

Mr. Marshall addressed the Committee.

Room cleared.

11. The Committee deliberated as to Report.

Mr. J. P. Abbott moved,—

“That the following be the Report of the Committee:—

“1. That John Perry, one of the Members for The Richmond, was not at the time of his election, and is not at the present time, the holder of an office of profit under the Crown;
“that he is not disqualified from sitting or voting as a Member of the Legislative Assembly.
“2. That the Petition is frivolous and vexatious.
“3. That the sum of £5 5s., out of the sum of £100 already lodged by the Petitioner, be awarded to the sitting Member towards his costs and expenses.”

Question put and agreed to.

The Chairman to report to the House accordingly.

R. W. ROBERTSON,
Second Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
Bourke William	12
Hogan Daniel	12
Lambton S. H.	11
Webb Frederick William	11

COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

ELECTION PETITION—BOURKE V. PERRY—THE RICHMOND.

THURSDAY, 9 MAY, 1889.

Present:—

Mr. C. A. Lee, Mr. J. P. Abbott, Mr. Frank Smith,	Mr. A. Ryrie, Mr. J. Hayes, Mr. J. R. Street,
---	---

C. A. Lee, Esq., in the Chair.

Mr. Marshall, solicitor, attended on behalf of Mr. John Perry.

Frederick William Webb, Esq., called in, sworn, and examined:—

1. *Chairman.*] What office do you hold? I am Clerk of the Legislative Assembly of New South Wales. F. W. Webb,
 2. Do you produce the writ for an election in the Richmond Electoral District? Yes. It is a writ issued by His Excellency the Governor on the 19th of January of the present year for the election and return of three Members to serve in the Legislative Assembly for the Electoral District of The Richmond, with the Returning Officer's certificate thereon of the election of Thomas Thompson Ewing, of Sydney, Bruce Baird Nicoll, of Sydney, and John Perry, of Alstonville, Richmond River, for the Electoral District of The Richmond.

Esq.
9 May, 1889.

Stephen Harbord Lambton, Esq., called in, sworn, and examined:—

3. *Chairman.*] What office do you hold? I am Secretary to the General Post Office. S. H. Lambton,
 4. Are all contracts and documents in connection with the mail service in your department? Yes; they are kept by me. Esq.
 5. Have you a post office at a place called Alstonville, on Richmond River? Yes. 9 May, 1889.
 6. Is it conducted by a salaried postmaster? Yes.
 7. Are you personally known to Mr. John Perry, one of the Members for The Richmond? I was not until he became a Member of the Assembly. I do not think I met him before.
 8. Did Mr. John Perry, now one of the sitting Members for The Richmond, act as your postmaster at Alstonville? Yes.
 9. Up to what date? He sent in his resignation on the 21st January last (*see Appendix A*).
 10. Are there any other documents in connection with this business? Yes; I have here the appointment of Mr. Perry, junior; it is on a printed form (*see Appendix B*); also the appointment and advice of the same to Mr. Perry, late Postmaster (*see Appendix C*).
 11. Are there any other documents in connection with this with appointment? Yes; I received a letter from Mr. J. A. Perry. Upon that I referred the matter to the Chief Clerk, who received a minute from the Postal Inspector as to Mr. Perry, junior, it being doubtful in connection with his age as to whether he should discharge the duties of the office (*see Appendix D*). Upon that the following letters were written (*see Appendices E and F*). I may explain that in the case of these non-official postmasters there is an authority signed by the Minister to fix the date, as may be required. The date of appointment is always left to myself. In many cases these country postmasters go away without notice, and we very often allow them to adjust the dates themselves. Here is the Minister's authority to which I refer (*see Appendix G*). The date of the appointment in this case was fixed in accordance with the usual practice, which is either to make it the first or the middle of the month. In this case it was fixed at the 14th, but it was afterwards antedated, at Mr. Perry, junior's, request, because he stated he had acted from 23rd January. Here is a declaration by J. A. Perry, taken before Mr. J. Perry, J.P. (*see Appendix H*).
 12. What other documents have you? I have only some time-bills that accompany the mails; they show that J. A. Perry has signed all the time-bills (*see Appendix I*) sent in since the 23rd January, with the exception of one on the 26th January, which is signed by Mr. Perry, the late postmaster. With that exception, all the other documents sent in since the 23rd January are signed by J. A. Perry as Assistant Postmaster, Acting Postmaster, or Postmaster.
 13. *Mr. Frank Smith.*] When are those time-bills sent in? As soon as possible after the end of the month. Some of these were received on 13th February.

- S.H.Lambton, 14. *Chairman.*] Are any of the documents which are dated after the 21st January signed by John Perry? Esq. Only one, on the 26th January. The dates on which these documents were received in Sydney were 7th February, 4th February, 8th February, 15th February.
 9 May, 1889. 15. *Mr. John Perry.*] Did all those documents leave the Alstonville Post Office on the date on which they were signed? Yes; they are supposed to be sent by the next post.
 16. *Chairman.*] Have you any other documents? Yes; I have another document which may be of importance. It is a receipt for J. A. Perry's salary from 23rd January to 31st March—£2 5s. 4d.
 17. Is there anything in the Postal Act or the regulations thereunder which makes it clear as to the day on which the postmaster's resignation shall date from? No.
 18. Does the resignation date from the day of its being posted to you, or from the date of the receipt of it? It dates from any day which we choose to fix; there is no particular rule. In these country offices it is so difficult to fix dates that we simply hold one man responsible up to the date fixed.
 19. Has any postmaster power to resign or vacate his office as he chooses? Certainly not before another is appointed.
 20. *Mr. J. P. Abbott.*] Is there any law on the subject? No. We hold him responsible until he is officially released.
 21. *Chairman.*] Does the postmaster put himself under obligation to compel him to do so? No. If any employee chooses to put on his hat and leave we could only stop his pay.
 22. *Mr. Bourke.*] Would you prosecute a postmaster if he allowed the mails to lie about? No.
 23. Do you remember any inquiries being made at your record office about Mr. Perry's resignation? No.
 24. Have you heard of any inquiries being made? I think the Chief Clerk told me some inquiry was made.
 25. Do you know what date was given for Mr. Perry's resignation by the clerk in the record office? No. The Chief Clerk reported to me, as a matter of official routine, that some one had called, and that he had explained the case. I have no personal knowledge of the matter. No application was made to me.
 26. Is there not a penalty for neglecting the duties of postmaster? There is a general clause in the Postal Act, that any wilful neglect of duty is punishable.
 27. Would it be wilful neglect of duty for a gentleman to resign and refuse to perform the duties of postmaster before his successor was appointed? If he were to put on his hat and go out of the office, leaving no authorized or responsible person in charge to attend to the mails and deliver letters to the public, I think that would be considered neglect of duty. It is quite recognized, especially in the case of non-official postmasters, that they are entitled to appoint their own assistants.
 28. If the assistant he appointed was guilty of something wrong—a misdemeanour or a felony—who would be held responsible? I think that any person who committed a crime or misdemeanour would be responsible for what he committed. If anything went wrong in the office—if there was a deficiency in the accounts—we should of course look to the postmaster until we officially released him.
 29. *Mr. Marshall.*] Was Mr. John Perry entitled to any remuneration after the 21st January? No.
 30. Did he, with your knowledge, hold any office of profit under the Crown after the 21st January? No.

Mr. Daniel Hogan called in, sworn, and examined:—

- Mr. D. Hogan. 31. *Chairman.*] What is your occupation? I am a watchmaker and jeweller, residing at George-street, Sydney.
 9 May, 1889. 32. *Mr. Bourke.*] Did you make certain inquiries at the Post Office? I went to the Post Office about the 23rd February, and asked one of the clerks a question.
 33. *Chairman.*] Do you know his name? M'Mahon. I do not know his christian name.
 34. What position does he hold in the Post Office? I do not know.
 35. Is he a personal friend of yours? No. I went there to find out when Mr. John Perry was appointed postmaster at Alstonville, and when he resigned. A slip of paper was given to me stating that he was appointed in some month of 1886, and that he resigned on the 13th February, 1889.
 36. Have you that piece of paper with you? No. I went up again to make sure of the christian name. I again got the statement "John Perry, 13th February, resigned."
 37. *Mr. Frank Smith.*] Did the same person tell you the second time? No; the second time I asked Mr. Doyle upstairs. He sent in to the clerk who has charge of that part of the office.
 38. *Chairman.*] On receipt of that slip of paper, did you go to the chief officials, such as the Secretary of the Post Office, the Chief Clerk, or the Postmaster-General? No.
 39. So you casually asked for the information from a clerk? Yes. I did not give any reason. I just simply asked the question. They sent up and had the reply sent down on this slip of paper.
 40. *Mr. J. P. Abbott.*] How did you come to do that? Because Mr. Bourke was a friend of mine. I took an interest in the matter, and I got a letter from Lismore stating that Mr. Perry was holding an office under the Crown when he was elected.
 41. Was Mr. Bourke himself in Sydney when you went to make the inquiries? Yes.
 42. Did you know the clerks that you went to see? I know them through living in the neighbourhood for the last twenty years.
 43. You understood that they were officials in the Post Office, and you went to them? Yes.
 44. What did you do with the slips you got from them? I showed them to Mr. Bourke.
 45. *Mr. Marshall.*] What became of the slip afterwards? I gave it to Mr. Bourke.

Mr. William Bourke sworn and examined:—

- Mr. W. Bourke. 46. *Chairman.*] Were you a candidate for election at the last general election in the electoral district of The Richmond? Yes.
 9 May, 1889. 47. You have heard your petition read? Yes.
 48. Is that the petition presented by you, and is that your signature? Yes.
 49. *Mr. J. P. Abbott.*] Did you go to the Post Office yourself to make any inquiries, independently of the information you got from Mr. Hogan? No. I asked him to go twice, so as to make sure. He got the same information each time. Before I left the electorate I was assured that Mr. John Perry was postmaster. In fact, Mr. Nicoll, one of the Members, told me before the election was over, and it was generally reported there. 50.

50. Have you the memorandum which Hogan got? No; it was just a slip of paper. The date of resignation was the date of polling, and that coincidence was sufficient to make me believe that it was Mr. John Perry, and not his son.

51. *Chairman.*] The chief ground in your petition is the sixth, in these words:—"6. That the said John Perry at the time of and after the said nomination was postmaster at Alstonville, in the Colony of New South Wales, receiving a salary voted by the Parliament of the said Colony, and in consequence was the holder of an office of profit under the Crown, within the meaning of section 18 of the Constitution Act (18 and 19 Victoria c. 54)." You state there positively and emphatically that such was the case;—did you take the necessary steps to ascertain whether Mr. Perry was holding an office of profit under the Crown before you petitioned against his Seat—in other words, did you go to the department, or the head of the department, that being the only place where you could get the necessary information? I may say that I went and searched the Government Gazettes to endeavour to find the information, but I am assured that those matters were not gazetted.

52. Did you apply personally or by letter to the Post Office Department? I applied at the record office, and I was told that the information need not be supplied to me; then I got a person who knew some official to make the inquiry.

53. Did you apply by letter? No; I applied personally at the record office—that was before Hogan made the inquiry. I got letters from the district assuring me that Mr. Perry was acting as postmaster, and further than that, Mr. Perry, in his hustings speech, told the electors that if he was elected he intended to give up his business in the electorate. All these things led me to understand that Mr. Perry had resigned on the polling-day.

54. Did you apply to the Secretary of the General Post Office or to the Postmaster-General for the time being for the information? No, I did not apply. I was assured by the clerk of the record office that the information need not be supplied by them.

55. Did you apply by letter in a formal way? No.

56. *Mr. Hayes.*] Did you apply personally to the Postmaster-General or the Assistant Postmaster-General? No.

57. *Mr. J. P. Abbott.*] Did you get a solicitor to write this petition for you? Yes.

58. Did he suggest that you should get the information before you lodged the petition? I told him the information I got, and he thought that was enough. Like myself, he laid special emphasis on the fact of the polling-day being the date of the resignation. He suggested searching the Government Gazettes, which I did, but they did not contain any information.

59. Did he go himself? No.

60. *Chairman.*] Were the letters which you referred to as coming from the Richmond River District from your friends? Yes—electors.

61. Among other things stated, did they say that Mr. John Perry was still postmaster? Yes.

62. Did they give you any evidence to prove that statement? No.

63. Then it was simply a rumour, so far as they were concerned? Rumours suggested the inquiry at the Post Office.

64. Was it in consequence of your receiving those letters that you made inquiry at the Post Office? I may say that I left the electorate with the intention of lodging a petition—I was assured by many of the electors that that was the case.

65. *Mr. Marshall.*] When did you leave the electorate? On the 15th February, I should say—it was two days after the polling.

66. You mentioned that Mr. Perry stated that, if elected, he would give up his business in the electorate—do you not know that he is a storekeeper carrying on business at Alstonville? I have heard so, but I have never seen the place.

67. Do you recollect who were the persons who corresponded with you? Yes. One was Mr. Hogan. I do not think he is a relation to the witness who gave evidence to-day. He is a resident of Lismore. Another was the Council Clerk at Lismore, Mr. Pallan; he has since been in Sydney at my house. I also got a letter from Mr. Cope, an attorney from Casino.

68. How far is Casino from Alstonville? I think it is about 22 miles.

Mr.
W. Bourke.
9 May, 1889.

APPENDIX.

[*To the Evidence of Stephen Harbord Lambton, 9th May, 1889.*]

A.

The Secretary to the Post Office, Sydney,—

Dear Sir,

I hereby tender my resignation of the office of Postmaster for Alstonville, and, in order that the public may not be inconvenienced, my son (who is succeeding me in my business) will perform the duties until he or some one else is appointed in my place.

I have, &c.,

JOHN PERRY.

I take the opportunity of drawing your attention to the small remuneration attached to this office, and would suggest that it be increased.—J.P.

P.M., Alstonville,—What is the christian name of your son?—S.H.L., 25/1/89.

B.

Sir,

The Postmaster-General hereby appoints you to succeed Mr. John Perry as the Postmaster at Alstonville, and requests that you will commence your duties on and from the 14th instant.

2. The remuneration attached to the office is a salary at the rate of £12 per annum, and a commission of 2½ per cent. upon the value of the postage stamps sold by the postmaster.

It should be understood that the engagement is subject to termination at any time that it may be considered necessary in the public interest.

3. You will be required to sell duty stamps, for which service you will be allowed the usual remuneration by the Commissioner of Stamps, to whom you must apply for these stamps.

4. In compliance with the 4th section of the Act 31st Victoria No. 4, you should make a declaration before a Justice of the Peace upon the form I enclose; and if you intend employing anyone to assist you, he or she must make a similar declaration upon the prescribed form, also enclosed. Such declarations must be forwarded to this office in the accompanying printed letter.

5. You will be required to give security to the extent of £100 for the faithful discharge of your official duties, but the department will make the necessary arrangements for such security, and the premium payable in respect thereof, namely, 5s. per centum per annum, will be deducted from your salary.

6. Your predecessor has been instructed to hand over to you any postage stamps, letters, packets, book parcels, newspapers, printed notices to the public, printed forms and books, printed or manuscript letters of instruction, date and obliterating stamps, office seals, stores, or other Government property in his possession, for which you will have to give him a receipt, in triplicate, upon printed forms furnished to the retiring postmaster.

7. You will be guided in the performance of your duties by the Book of Regulations, which will be transferred to you by your predecessor, who has been requested to afford you every information and assistance in his power.

I am, &c.,

S. H. LAMBTON,

Secretary,

(Per A.J.A.)

Mr. John A. Perry, Alstonville.

C.

Sir,

Referring to your letter of resignation, dated the 21st ultimo, I beg to inform you that Mr. John A. Perry has been appointed to succeed you as Postmaster at Alstonville, from the 14th instant.

2. You will be good enough, on that date, to hand over to him all letters, packets, book parcels, newspapers, printed notices to the public, printed forms and books, printed or manuscript letters of instruction, date and obliterating stamps, office seals, stores, or other Government property in your possession, for which he has been instructed to give you a receipt, in triplicate, upon the enclosed form. One of these receipts you will forward to this office, as a voucher that you have ceased to be responsible for the articles in question, one you will retain, and the other you will hand to your successor.

3. Whatever amount may be due by you on postage-stamp account at the time of transferring your office (you are at this date indebted on that account to the amount of £5), you will hand over to your successor, as any delay in the adjustment of your accounts will be looked upon as a serious matter. You will be careful to take a correct receipt in triplicate for the amount of cash and postage stamps transferred upon the enclosed form. One of these receipts you will at once forward to this office, in order that credit may be given you for such amount, one you will retain, and the other you will hand to your successor.

4. I trust that in transferring your office to your successor you will afford him every information and assistance in your power.

I have, &c.,

S. H. LAMBTON,

Secretary,

(Per A.J.A.)

The Postmaster at Alstonville.

D.

The Secretary, G.P.O., Sydney,—

Dear Sir,

Your circular dated 6th February to hand. I have not yet signed documents, for the following reasons:—

1. My father sent in his resignation on the 23rd January, and at that date handed all papers, letters, stamps, money, &c., to me as acting postmaster. My appointment should therefore date back instead of forward.

2. I am only 17½ years old, and it may not be thought advisable to appoint me on that account.

Meanwhile I am acting as postmaster in the same premises, so that the public will not be inconvenienced, and shall continue so to act till my appointment is confirmed, or some one else appointed.

I am, &c.,

JOHN A. PERRY.

Postal Inspector as to No. 2.—M.D., 22/2/89. I do not think that Alstonville is a place of sufficient importance to warrant the cancellation of this young man's appointment, 6/3/89. There can be no possible objection to this appointment dating from the day on which he states he took over the office, namely, the 23rd January.—S.H.L., 7/3/89. Accountant for information.—S.H.L., 8/3/89. Noted.—C.F., 8/3/89. Noted.—A.G., 12/3/89.

E.

APPENDIX.

15

E

To Mr. John Perry, late Postmaster, Alstonville,—

General Post Office, Sydney, 8 March, 1889.

As it appears that Mr. John A. Perry took charge of the Alstonville Post Office on the 23rd January last, his appointment as your successor will take effect from that date, instead of from the 14th ultimo, as previously notified.

S. H. LAMBTON.

F.

To Mr. John A. Perry, Postmaster, Alstonville,—

General Post Office, Sydney, 8 March, 1889.

REFERRING to your letter of the 14th ultimo, you are informed that there is no objection to your retaining the position of Postmaster at Alstonville, or to your appointment dating from the day on which you state you took over the office, viz., 23rd January last.

S. H. LAMBTON.

G.

General Post Office, Sydney, 5 February, 1889.

THE Postmaster at Alstonville resigns; salary, £12 per annum. The following persons apply, or are recommended for the appointment, namely:—John Alston Perry (son of present P.M.), recommended by postmaster.

E. S. TRIBE,
Record Clerk.

Postage-stamp account—Dr., £5.—S. KEON, 1/2/89. Let Mr. John A. Perry be appointed as postmaster at Alstonville, to date as required. Approved.—H.C., 5/2/89. Mr. John A. Perry, P.M., Alstonville. Mr. Postal Inspector. The Commissioner Stamp Duties. Contr. C. Balzer. Journal.—F.C., 6/2/89. Accountant for information, to date from 14th instant.—S.H.L., 6/2/89. Noted.—H.S.L., 7/2/89. Put away.

H

Post Office Declaration—(31 Vict. No. IV., sec. 4.)

I, JOHN ALSTON PERRY, being engaged in the Post Office, Alstonville, as Acting Postmaster, do solemnly and sincerely declare, that I will not willingly or knowingly open, detain, return, or delay, or cause or suffer to be opened, detained, returned, or delayed, any letter or packet which shall come into my hands, power, or custody, by reason of my employment relating to the Post Office, except by the consent of the person or persons to whom such letter or packet shall be directed, or by an express warrant in writing for that purpose, under the hand of the Governor, or except in pursuance and under the authority of any of the provisions of any Act, now or hereafter to be in force, relating to the Post Office, or of any regulations made in pursuance of such Act.

J. A. PERRY.

Declared before me, one of Her Majesty's Justices of the Peace, in and for
the Colony of New South Wales, 21st day of January, 1889.—

JOHN PERRY, J.P.

I

J. A. Perry.

I ACKNOWLEDGE to have received from the Postmaster-General, this 9th April, 1889, the sum of £2 5s. 4d., in full of my salary and allowances as Postmaster at Alstonville, for the period from 23rd January to 31st March, 1889.

J. A. PERRY, Postmaster.

Witness—SAM'L DUTTON.

Please pay the above amount to J. A. Perry, Alstonville, by cheque.

J. A. PERRY, Postmaster.

1889.

LEGISLATIVE ASSEMBLY.

NEW, SOUTH WALES.

ELECTION PETITION—McKINNON *v.* THE SITTING MEMBERS—THE
HASTINGS AND MANNING.

REPORT FROM THE COMMITTEE

OR

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

16 May, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	7
Proceedings of the Committee	8
List of Witnesses.....	11
Minutes of Evidence	13

1889.

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

**ELECTION PETITION—McKINNON v. THE SITTING MEMBERS—THE HASTINGS
AND MANNING.**

VOTES No. 3. FRIDAY, 1 MARCH, 1889.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

“Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

“Joseph Hector Carruthers, Esquire,	“Charles Alfred Lee, Esquire,
“Robert George Dundas Fitzgerald,	“Alexander Ryrie, Esquire,
“Esquire,	“Bruce Smith, Esquire, and
“James Hayes, Esquire,	“Robert Bliss Wilkinson, Esquire,

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

“Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“this first day of March, in the year of our Lord one thousand eight hundred and
“eighty-nine.

“JAMES HENRY YOUNG,
“Speaker.”

VOTES No. 2. THURSDAY, 28 FEBRUARY, 1889.

7. ELECTION PETITION (*The Hastings and Manning*):—Mr. Dibbs, *by command*, laid upon the Table an Election Petition, which had been addressed to His Excellency the Governor, from Hugh McKinnon, alleging that, at the last General Election, James Henry Young, Charles James Roberts, John Lowry Ruthven, and the Petitioner were severally candidates for election for the Electoral District of The Hastings and Manning; that, at the declaration of the poll, the said James Henry Young and Charles James Roberts were declared to be duly elected; that, at the said election, the polling-booth at Beechwood was closed for a portion of the time between the hours of eight o'clock in the forenoon and four o'clock in the afternoon on the day of polling, when the ballot-box was removed to another room, and certain voters were unable to record their votes; that, for these and other irregularities specified, the Petitioner prays that the Petition may be dealt with according to law, and that the return of the said James Henry Young and Charles James Roberts may be declared null and void; that a scrutiny of all the ballot-papers should be made; and that it may be declared and determined that your Petitioner was duly elected.

Ordered to lie on the Table.

VOTES No. 7. FRIDAY, 8 MARCH, 1889.

1. * * * * *

COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Friday, 1st March, 1889, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee; and intimated that it was therefore open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Members Sworn*:—Charles Alfred Lee, Esquire, and Alexander Ryrie, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.

2. ELECTION PETITIONS:—Mr. Dibbs moved, That the following Election Petitions be referred to the Committee of Elections and Qualifications:—

* * * * *

(2.) From Hugh McKinnon, complaining of the Election and Return of James Henry Young and Charles James Roberts, Members for the Electoral District of The Hastings and Manning, laid upon the Table of this House on 28th February last.

* * * * *

Question put and passed.

9.

9. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

" Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of
" New South Wales, by the Electoral Act of 1880, I do hereby appoint—

"Frank James Smith, Esquire, and

" John Rendell Street, Esquire,

" being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Joseph Hector Carruthers, Esquire, and Bruce Smith, Esquire, whose Seats in the said Assembly were this day declared vacant, by reason of their acceptance of the offices of Minister of Public Instruction and Secretary for Public Works respectively.

" Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
" this eighth day of March, in the year of our Lord one thousand eight hundred and
" eighty-nine.

" JAMES HENRY YOUNG,
" Speaker."

VOTES NO. 11. TUESDAY, 9 APRIL, 1889.

- ## 2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

(1.) *Maturity of Warrant reported* :—Mr. Speaker reported that his Warrant, laid upon the Table on the 8th March last, appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Smith and Mr. Street to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Members of Committee Sworn* :—James Hayes, Esquire, Frank James Smith, Esquire, and John Rendell Street, Esquire, came to the Table and were sworn by the Clerk as Members of the Committee.

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

12. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Robert Bliss Wilkinson, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

16. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Pursuant to the requirement of the 59th section of the Electoral Act of 1880, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at eleven o'clock a.m., to-morrow, the 11th instant, in Committee Room No. 3.

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

- #### **4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—**

(1.) Mr. Speaker informed the House that he had received a letter from Robert George Dundas Fitzgerald, Esquire, resigning his appointment as a Member of the Committee of Elections and Qualifications, which letter he read to the House, as follows:—

"J. H. Young, Esquire, M.P., Speaker, Legislative Assembly.—

"Dear Sir

"Camp National Park 26 April 1889

" Dear Sir,Camp, National Park, 26 April, 1889.
" I much regret that I have been unable to take the Oath as a Member of Elections
" and Qualifications Committee; and as I cannot do so during the ensuing week, I reluctantly
" tender you my resignation as a Member of that Committee, with a view to saving inconvenience,
" as pointed out by Mr. Lee.

"Yours truly,
ROBT. GEO. D. FITZGERALD."

- (2.) Mr. Speaker then, pursuant to the requirement of the Electoral Act of 1880, laid upon the Table his Warrant appointing Joseph Palmer Abbott, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

"Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

Joseph Palmer Abbott, Esquire,

" being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, " in the room of Robert George Dundas Fitzgerald, Esquire, resigned.

" Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
" this thirtieth day of April, in the year of our Lord one thousand eight hundred and
" eighty-nine.

" JAMES HENRY YOUNG,
" Speaker."

VOTES

VOTES NO. 22. WEDNESDAY, 8 MAY, 1889.

1. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

- (1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant, laid upon the Table on the 30th April last, appointing Joseph Palmer Abbott, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Abbott to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.
- (2.) *Member Sworn*:—Joseph Palmer Abbott, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee.

VOTES NO. 26. THURSDAY, 16 MAY, 1889.

6. COMMITTEE OF ELECTIONS AND QUALIFICATIONS—(*Election Petition—McKinnon v. the Sitting Members, The Hastings and Manning*):—Mr. J. P. Abbott, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Committee of Elections and Qualifications, to whom was referred, on 8th March, 1889, the Petition of Hugh McKinnon against the return of the Sitting Members for the Electoral District of The Hastings and Manning.

And the said Report was read at length by the Clerk, by direction of Mr. Speaker, as follows:—

"The Committee of Elections and Qualifications, duly appointed on 1st March, 1889, to whom was referred, on 8th March, 1889, a Petition from Hugh McKinnon, alleging that at the last General Election, James Henry Young, Charles James Roberts, John Lowry Ruthven, and the Petitioner were severally candidates for election for the Electoral District of The Hastings and Manning; that, at the declaration of the Poll, the said James Henry Young and Charles James Roberts were declared to be duly elected; that, at the said Election, the polling-booth at Beechwood was closed for a portion of the time between the hours of eight o'clock in the forenoon and four o'clock in the afternoon on the day of polling, when the ballot-box was removed to another room, and certain voters were unable to record their votes; that, for these and other irregularities specified, the Petitioner prays that the Petition may be dealt with according to law, and that the return of the said James Henry Young and Charles James Roberts may be declared null and void; that a scrutiny of all the ballot-papers should be made; and that it may be declared and determined that your Petitioner was duly elected,—have determined and do hereby declare,—

"(1.) That James Henry Young and Charles James Roberts, the Sitting Members, were duly elected as Members for The Hastings and Manning.

"(2.) That the Petition is frivolous and vexatious.

"(3.) That the sum of £30 out of the sum of £100, already lodged by the Petitioner, be awarded as witnesses expenses.

"J. P. ABBOTT,
"Chairman."

"No. 3 Committee Room,

"Legislative Assembly, 16th May, 1889."

Ordered, on motion of Mr. Abbott, that the Report and Minutes of Proceedings and Evidence, be printed.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITION—McKINNON v. THE SITTING MEMBERS—THE HASTINGS AND MANNING.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 1st March, 1889, to whom was referred, on 8th March, 1889, a Petition from Hugh McKinnon, alleging that, at the last General Election, James Henry Young, Charles James Roberts, John Lowry Ruthven, and the Petitioner were severally candidates for election for the Electoral District of The Hastings and Manning ; that, at the declaration of the Poll, the said James Henry Young and Charles James Roberts were declared to be duly elected ; that, at the said election, the polling-booth at Beechwood was closed for a portion of the time between the hours of eight o'clock in the forenoon, and four o'clock in the afternoon on the day of polling, when the ballot-box was removed to another room, and certain voters were unable to record their votes ; that, for these and other irregularities specified, the Petitioner prays that the Petition may be dealt with according to law, and that the return of the said James Henry Young and Charles James Roberts, may be declared null and void ; that a scrutiny of all the ballot-papers should be made ; and that it may be declared and determined that your Petitioner was duly elected,—have determined and do hereby declare :—

1. That James Henry Young and Charles James Roberts, the Sitting Members, were duly elected as Members for The Hastings and Manning.
2. That the Petition is frivolous and vexatious.
3. That the sum of £30, out of the sum of £100 already lodged by the Petitioner, be awarded as witnesses expenses.

J. P. ABBOTT,

No. 3 Committee Room,
Legislative Assembly,
16th May, 1889.

Chairman.

1889.

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

In the matter of the Election Petition, which had been addressed to His Excellency the Governor, from Hugh McKinnon, alleging that, at the last General Election, James Henry Young, Charles James Roberts, John Lowry Ruthven, and the Petitioner were severally Candidates for election for the Electoral District of The Hastings and Manning; that at the declaration of the poll, the said James Henry Young and Charles James Roberts were declared to be duly elected; that, at the said Election, the polling-booth at Beechwood was closed for a portion of the time between the hours of eight o'clock in the forenoon and four o'clock in the afternoon on the day of polling, when the ballot-box was removed to another room, and certain voters were unable to record their votes; that, for these and other irregularities specified, the Petitioner prays that the Petition may be dealt with according to law, and that the return of the said James Henry Young and Charles James Roberts may be declared null and void; that a scrutiny of all the ballot-papers should be made; and that it may be declared and determined that your Petitioner was duly elected.

THURSDAY, 25 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Lee, in the Chair,

Mr. Hayes,
Mr. Street,

Mr. Ryrie.

Mr. Wilkinson,
Mr. Frank Smith,

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the Entry from the Votes and Proceedings by which the Petition of Hugh McKinnon was referred to the Committee. [Vide Extract, page 3.]
2. The Clerk, by direction of the Chairman, read the Petition of Hugh McKinnon (together with the accompanying Bank deposit-receipt) so referred to this Committee, as follows:—

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

The humble Petition of Hugh McKinnon, of Sydney, in the Colony of New South Wales, Esquire,—

SHOWETH:—

1. That at the last General Election of Members to serve in the Legislative Assembly of the said Colony, James Henry Young, Charles James Roberts, John Lowry Ruthven, and your Petitioner were severally candidates to be elected as Members of the said Assembly for the Electoral District of The Hastings and Manning.
2. That at the Nomination for the said election, each of them, the said James Henry Young, Charles James Roberts, John Lowry Ruthven, and your Petitioner were duly nominated and proposed as such Members, and the Returning Officer then called for a show of hands separately in favour of each candidate, and upon the same taking place declared the show of hands to be in favour of your Petitioner and the said John Lowry Ruthven, whereupon a Poll was demanded on behalf of the said Charles James Roberts, which was afterwards taken.
3. That before and at the time of the said Nomination, and from thence, your Petitioner was and is a person duly qualified by law to be elected a Member of the said Legislative Assembly.
4. That the Returning Officer on the day of the declaration of the Poll for the said Electoral District declared the number of votes polled for the respective candidates to be as follows:—

For the said James Henry Young—One thousand and sixty-five votes.

For the said Charles James Roberts—One thousand sixty-three votes.

For your Petitioner—One thousand and forty-four votes.

And for the said John Lowry Ruthven—One thousand and forty votes.

And thereupon declared the said James Henry Young and Charles James Roberts to be duly elected as Members of the said Assembly for the said Electoral District; and the said Returning Officer afterwards endorsed on the writ for the said election the names of the said James Henry Young and Charles James Roberts as the persons so elected, and returned the said writ to your Excellency.

5. That a place called Beechwood was duly appointed a place at which a poll was to be taken at the said election, and a poll was accordingly held at that place on the ninth day of February last.

6. That the polling-booth at Beechwood aforesaid was closed for a portion of the time between the hours of eight o'clock in the forenoon and four o'clock in the afternoon on the day of polling, and that the ballot-box was in the meantime removed to another room.

7. That during the said time a number of voters came to record their votes and were unable to do so.

8. That the polling-booth at Kendall, one of the polling-places in the said Electoral District, was not opened till a quarter to nine of the clock on the day of polling, instead of eight o'clock as prescribed by the Act, consequently some electors were unable to record their votes.

9. That at the time of such election the said Returning Officer did cause to be printed ballot-papers according to the form prescribed in Schedule I to the Electoral Act of 1880, 44 Vic. No. 13, and did supply the various Presiding Officers throughout the said Electoral District with such ballot-papers for the purposes of the said election.

10. That some of the ballot-papers in some of the polling-booths in the said Electoral District, after having been removed from the ballot-box at the close of the poll for the purpose of being counted, had not the initials of the Presiding Officer on them, as required by section 33 of 44 Vic. No. 13.

11. That the number of ballot-papers counted did not correspond with the number of voters marked on the Electoral Rolls by the Presiding Officers and Poll Clerks.

12. That at several of the polling-places in the said Electorate votes were declared informal which were not informal, and which should have been counted in favour of your Petitioner, and against the said James Henry Young and Charles James Roberts.

13. That your Petitioner, pursuant to the said Electoral Act of 1880, has caused the sum of one hundred pounds (£100) to be deposited with the Commercial Banking Company of Sydney, to the credit of the Speaker of the Legislative Assembly, in relation to this Petition, and the Bank deposit for such receipt is hereunto annexed.

Your Petitioner, therefore, humbly prays that this Petition may be dealt with according to law, and that the return of the said James Henry Young and Charles James Roberts, as Members of the said Legislative Assembly for the said Electoral District, may be declared null and void, for the reasons aforesaid; that a scrutiny of all ballot-papers should be made by the Committee of Elections and Qualifications; that for the reasons aforesaid it may be declared that the said James Henry Young and Charles James Roberts were not lawfully elected, and are not such Members of the said Legislative Assembly for the said Electoral District; that it may be declared and determined that your Petitioner was duly elected as one of the Members at the said election, to serve and be a Member of the said Legislative Assembly for the said Electoral District of The Hastings and Manning, and that such further or other order and determination may be made in the premises as may be just.

And your Petitioner will ever pray, &c.

HUGH MCKINNON.

Sydney, the 26th day of February, 1889.

PAID to the credit of the Speaker of the Legislative Assembly of New South Wales, with the Commercial Banking Company of Sydney, the sum of £100 sterling, by
HUGH MCKINNON.

£100. Dup.

A. O. GRANT,

Teller.

3. The Clerk submitted a letter from the Honorable the Speaker, enclosing certified copies of a letter he had received from Charles James Roberts, giving notice of his intention to defend his Seat, and also a letter from the Honorable the Speaker, enclosing a letter from John Cameron, an elector of The Hastings and Manning, giving notice of his desire to defend the return of Mr. James Henry Young, which he read as follows:—

“Legislative Assembly Chamber,
Sydney, 10 April, 1889.

“To the Committee of Elections and Qualifications,—

“Gentlemen,

“I have the honor to transmit to you herewith a copy of a letter which has been received by me from Charles James Roberts, Esquire, C.M.G., one of the Sitting Members for The Hastings and Manning, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

“I have, &c.,

“JAMES HENRY YOUNG,
“Speaker.”

[*Enclosure.*]

Sir,

Sydney, 8 March, 1889.

Referring to the Petition of Mr. Hugh McKinnon, protesting against my return as a Member for the electorate of The Hastings and Manning, and which has been referred to the Elections and Qualifications Committee, I have the honor to state that it is my intention to defend, by counsel or otherwise, my right to sit as an elected Member for the said Electoral District.

I have, &c.,

CHARLES J. ROBERTS.

The Honorable the Speaker of the Legislative Assembly.

A true copy.—JAMES HENRY YOUNG, Speaker.

“Legislative Assembly Chambers,
Sydney, 10 April, 1889.

“To the Committee of Elections and Qualifications,—

“Gentlemen,

“I have the honor to transmit to you herewith a copy of a letter which has been received by me from John Cameron, being one who had a right to vote at the election for The Hastings and Manning, giving notice of his desire to be permitted to defend the return of Mr. James Henry Young, one of the Sitting Members for that Electorate, against whose return a Petition is now under your consideration.

“I have, &c.,

“JAMES HENRY YOUNG,
“Speaker.”

[*Enclosure.*]

Sir,

94, Sussex-street, Sydney, 20 March, 1889.

Under the provisions of the 67th section of the Electoral Act of 1880, and being one who had a right to vote at the election for The Hastings and Manning, held in February last, I hereby give you notice that it is my desire to be permitted to defend the return of Mr. James Henry Young, which has been petitioned against.

I have, &c.,

JOHN CAMERON.

To the Honorable the Speaker of the Legislative Assembly.

A true copy.—JAMES HENRY YOUNG, Speaker.

4. Parties called in.

Present:—Charles James Roberts, Esquire (*one of the Sitting Members*).

Hugh McKinnon, Esquire (*the Petitioner*).

5. Frederick William Webb, Esq., Clerk of the Legislative Assembly, called in, sworn, and examined. Witness produced Writ of Election certifying to the return of James Henry Young and Charles James Roberts, as Members for The Hastings and Manning. Witness also produced the parcel of ballot-papers, as received from the Returning Officer for The Hastings and Manning, also a letter from the Principal Under Secretary, enclosing a letter from the Returning Officer, forwarding protests against the election.

Witness withdrew.

6. Hugh McKinnon, Esq., sworn and examined.
7. James M'Inherny, Returning Officer for The Hastings and Manning, called in, sworn, and examined. Witness withdrew.
8. Mr. McKinnon requested to withdraw paragraph 8 of his Petition, which request was granted by the Committee.
9. Mr. Josiah Secombe, Poll Clerk at Beechwood, called in, sworn, and examined. Witness withdrew.
10. Mr. John Neville called in, sworn, and examined. Room cleared.
11. Committee adjourned to to-morrow, at half-past 9 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

FRIDAY, 26 APRIL, 1889.

MEMBERS PRESENT:—

Mr. Lee in the Chair.

Mr. Street,	Mr. Frank Smith,
Mr. Ryrie,	Mr. Hayes,
Mr. Wilkinson.	

In attendance,—

The Second Clerk Assistant.

1. Present:—Charles James Roberts, Esquire (*one of the Sitting Members*).
Hugh McKinnon, Esquire (*the Petitioner*).
2. Mr. McKinnon submitted certain declarations, which he wished to put in, in evidence.
Room cleared, Committee deliberated, and decided not to admit the declarations.
Parties called in, and Mr. McKinnon informed.
3. Hugh McKinnon, Esq., the Petitioner, further examined.
Petitioner requested to withdraw paragraph 11 of his Petition, which request was granted by the Committee.
4. James M'Inherny, Esq., called in and further examined.
Witness withdrew.
5. Walter Fryer, Presiding Officer at Beechwood, called in, sworn, and examined.
6. Room cleared, and Committee deliberated.
7. Parties called in and informed that the Committee did not consider it necessary to hear further evidence or the Parties to the Petition.
8. Committee adjourned to 2 o'clock.
9. There not being five Members present one hour after the time appointed for the meeting of the Committee, the Members present adjourned to Thursday, at 10 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 2 MAY, 1889.

MEMBER PRESENT:—

Mr. Lee.

In attendance,—

The Second Clerk Assistant.

There not being five Members present one hour after the time appointed for the meeting of the Committee, the Member present adjourned to to-morrow, at half-past 9 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

FRIDAY, 3 MAY, 1889.

MEMBER PRESENT:—

Mr. Lee.

In attendance,—

The Second Clerk Assistant.

There not being five Members present one hour after the time appointed for the meeting of the Committee, the Member present adjourned to Tuesday next, at half-past 9 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

TUESDAY, 7 MAY, 1889.

MEMBERS PRESENT:—

Mr. Lee,	Mr. Street,
Mr. R. B. Wilkinson,	Mr. Frank Smith.

In attendance,—

The Second Clerk Assistant.

There not being five Members present one hour after the time appointed for the meeting of the Committee, the Members present adjourned to Thursday next, at half-past 1 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY,

THURSDAY, 9 MAY, 1889.

MEMBERS PRESENT:—

Mr. Lee in the Chair.

Mr. Hayes,	Mr. Ryrie,
Mr. J. P. Abbott,	Mr. Street,
Mr. Frank Smith.	

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meetings, which were confirmed.
2. The Clerk, by direction of the Chairman, read the Entries from the Votes and Proceedings in reference to the resignation of Mr. Fitzgerald, and the appointment of Mr. J. P. Abbott. [*Vide Extracts, pages 4 and 5.*]
3. Committee proceeded to the scrutiny of the ballot-papers.
4. Committee adjourned to to-morrow, at half-past 9 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

FRIDAY, 10 MAY, 1889.

MEMBERS PRESENT:—

Mr. Lee,	Mr. Ryrie,
Mr. Street.	

In attendance.

The Second Clerk Assistant.

There not being five Members present one hour after the time appointed for the meeting of the Committee, the Members present adjourned to Thursday next, at half-past 1 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 16 MAY, 1889.

MEMBERS PRESENT:—

Mr. J. P. Abbott,	Mr. Hayes.
Mr. Ryrie,	Mr. Street.
Mr. Frank Smith,	Mr. Wilkinson.

In attendance.

The Second Clerk Assistant.

1. On Motion of Mr. Hayes, Mr. J. P. Abbott was elected Chairman.
2. The Clerk by the direction of the Chairman, read the minutes of the previous meetings which were confirmed.
3. Committee proceeded to the further scrutiny of the ballot-papers.
4. Chairman reported the result of the scrutiny, as follows:—

James Henry Young	...	...	...	...	...	...	...	1065
Charles James Roberts	...	...	...	...	...	...	...	1058
Hugh McKinnon	...	...	...	...	...	...	...	1045
John Lowry Ruthven	...	...	...	...	...	...	...	1034

5. The Clerk submitted applications made for expenses of witnesses.

Mr. Hayes moved,—

That the Chairman be authorized to sign certificates for witnesses' expenses, as follows:—

	£ s. d.
James M'Inherny ...	10 0 0
Frederick Hayward ...	10 0 0
Walter Fryer ...	10 0 0

Question put and agreed to.

£30 0 0

6. The Committee then deliberated as to their Report.

Mr. Hayes moved,—

That the following be the Report of the Committee:—

- “ 1. That James Henry Young and Charles James Roberts, the Sitting Members, were duly elected as Members for the Hastings and Manning.
- “ 2. That the Petition is frivolous and vexatious.
- “ 3. That the sum of £30 out of the sum of £100 already lodged by the Petitioner be awarded “ as witnesses' expenses.”

Question put and agreed to.

7. The Chairman to report to the House.

R. W. ROBERTSON,
Second Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
Fryer, Walter	20
M'Inherny, James	13, 20
McKinnon, Hugh	13, 18
Neville, John	16
Secombe, Josiah	14
Webb, Frederick William	13

**COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.**

**ELECTION PETITION—McKINNON v. THE SITTING MEMBERS—THE HASTINGS
AND MANNING.**

THURSDAY, 25 APRIL, 1889.

Present:—

Mr. Hayes, Mr. Lee, Mr. Ryrie,	Mr. Frank Smith, Mr. Street, Mr. Wilkinson.
--------------------------------------	---

C. A. Lee, Esq., in the Chair.

Mr. Hugh McKinnon appeared in support of the Petition. Mr. C. J. Roberts, one of the Sitting Members, appeared in person, and on behalf of Mr. J. H. Young, the other Sitting Member.

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

1. *Chairman.*] Do you produce the writ for the Electoral District of The Hastings and Manning for the F. W. Webb, last general election? I produce the writ issued by His Excellency the Governor, on the 19th January, Esq. for the election of two Members to serve in the Legislative Assembly for the Electoral District of The Hastings and Manning, upon which writ the Returning Officer has certified that James Henry Young and Charles James Roberts were duly chosen for the Electoral District of The Hastings and Manning, to serve in the Legislative Assembly of New South Wales.
2. Do you produce the ballot-papers used in that election? I also produce the ballot-papers for the same election certified under the hand of the Returning Officer as being such papers. They are in the condition in which they were received by me—the packages being somewhat broken. I also beg to submit to the Committee a letter received by me from the Principal Under Secretary. [Letter produced and read.] I also produce the protests referred to in that letter. [Documents produced and read.]

Mr. Hugh McKinnon sworn and examined:—

3. *Chairman.*] Were you a candidate at the last general election for The Electoral District of The Hastings and Manning? I was. Mr. McKinnon.
4. Were you returned as one of the elected members? No.
5. Did you petition the Legislative Assembly for an inquiry into the election? I did. [Petition read.] 25 April, 1889.
6. The petition read is the petition presented by you? Yes.
7. And the signature attached is yours? It is.

Mr. James M'Inherny sworn and examined:—

8. *Chairman.*] Are you the Returning Officer for the Electoral District of The Hastings and Manning? Yes. Mr. M'Inherny.
9. And you acted in that capacity at the last general election? Yes.
10. How many candidates were nominated? Four. 25 April, 1889.
11. What were their names? Charles James Roberts, James Henry Young, John Lowry Ruthven, and Hugh McKinnon.
12. How many polling-places are there in the electorate? Twenty-three.
13. Will you be good enough to read me the names of the different polling-places? Taree, Port Macquarie, Rolland's Plains, Beechwood, Wauchope, Rawdon Island, Laurieton, Kendall, Telegraph Point, Cundletown, Wingham, Croki, Tinonee, Coopernook, Upper Lansdowne, Woodsides, Clarkson's Crossing, Marlee, Forster, Coolongolook, Firefly Creek, Ellenborough, and Yeldham's.
14. Who acted as your presiding officer at Kendall? Mr. Frederick Haywood.
15. And at Beechwood? Mr. Walter Fryer.
16. Who were the poll-clerks? The poll-clerk at Kendall was Mr. J. D. Ross, and at Beechwood, Mr. Josiah Secombe, junr.
17. And you presided at one of the polling-places yourself according to law? Yes; at Taree.
18. Were there any complaints made to you after the election as to any alleged irregularities at either of the polling-places? Yes, some days afterwards. There was a protest entered by Mr. McKinnon immediately after the declaration of the poll against the return of Mr. Roberts, but there was no ground stated as to why the protest was entered. It was merely a demand that the ballot-papers should be recounted, and the different documents compared.

- Mr.
J. McInerny. 19. Did the presiding officer or poll-clerk at Kendall report to you any irregularities? No.
 20. Did they make any statement to you as to their having closed the poll for any time? Yes, afterwards.
 21. How long afterwards? It would be on the Saturday after the election—three or four days afterwards.
 22. Did your officials at the Kendall polling-place make any complaint to you, or offer any statement to you as to the carrying out of the polling at that polling-place? No.
 23. Did the presiding officer or poll-clerk at Beechwood make any such statement? Not until Mr. Ruthven had sent in a protest and I asked if there was any truth in it.
 24. *Mr. Hayes.*] Did you distribute the ballot-papers? I posted them in bundles to the different polling-places.
 25. Can you state the number that you sent to Beechwood? I cannot remember. The Port Macquarie end of the electorate is very large, and Mr. John Butler was acting there on my behalf. I left him to arrange everything for that end of the electorate, while I arranged for the Taree end.
 26. Did he act as your poll-clerk? No; he was Presiding Officer at Port Macquarie, and acted generally there for me. Beechwood and Kendall are both on the Port Macquarie side of the electorate.
 27. *Mr. Roberts.*] When did you first hear of any complaint about the Kendall polling-booth not being opened after the prescribed time? About the same time as I heard about the Beechwood polling-booth.
 28. What was the nature of the complaint with regard to Kendall? That the polling-clerk Mr. Ross was not at his post at 8 o'clock, and that the booth was late in opening.
 29. Who told you that? I think it was Mr. Ruthven.
 30. One of the candidates? Yes.
 31. You never heard of any complaints from any of the electors? None whatever. I asked Mr. Haywood about it and he denied the statement *in toto*. He said that both the polling-clerk and himself were there at 8 o'clock and opened the polling-booth punctually.
 32. Mr. Haywood told you that the polling-place was opened at 8 o'clock and that the polling-clerk was also there? I have not seen Mr. Ross since, but I received a letter from him stating that the polling-booth was opened at 8 o'clock.
 33. When did you first hear of any complaint with regard to the Beechwood polling-place being closed? On the Friday after the election took place; not until I returned home to Port Macquarie.
 34. The election took place on the Saturday, and you heard of no complaint until the following Friday? Thursday night or Friday morning.
 35. Whom did you hear it from? Mr. Ruthven.
 36. You never heard of any complaints from any electors who were unable to record their votes? No; no complaint reached me of any person being unable to record his vote.
 37. The only person who complained was Mr. Ruthven, who was a candidate at the election? He was the only person.
 38. What did he tell you? He told me that the polling-booth at Beechwood was closed for about half-an-hour.
 39. That he had heard it was? Yes; and that some man named Miller went to record his vote and went away without recording it.
 40. Have you heard since whether that was a fact? The presiding officer at Beechwood assured me that Miller returned afterwards and recorded his vote.
 41. That was the only name mentioned by Mr. Ruthven? That was the only name.
 42. *Mr. McKinnon.*] Can you remember the time when the return came in from Kendall? The official returns reached me at Taree on Sunday morning.
 43. But I mean the first intimation that you had of the result of the polling? From Kendall, I should suppose it would be about 5 o'clock on Saturday afternoon, but I can tell you precisely, as I have the wires here. I find that the message from Kendall was transmitted at 5:25, and received at 5:30 on the 9th February.
 44. At what time was the Laurieton return received? It was despatched at 4:15 and received at 4:17, although by my time at Taree, I think it must have been a little earlier than that; it was the first one I received. I received it very early in the afternoon.
 45. Do you think there might be any discrepancy in the time given by the presiding officer at Kendall, according to the way in which the returns came in? Of course. You see at Kendall there would have to be a special messenger sent to Laurieton, which is 7 miles distant.

[*Mr. McKinnon informed the Committee that he wished to withdraw paragraph 8 of the petition, and the Committee allowed the paragraph to be withdrawn.*]

Mr. Josiah Secombe sworn and examined:—

- Mr. J.
Secombe.
 25 April, 1889.
46. *Chairman.*] Do you remember the last general election for The Hastings and Manning? Yes.
 47. Did you act in the capacity of presiding officer at any polling-place? No; but I was poll-clerk at Beechwood.
 48. Who was the presiding officer? Mr. Walter Fryer.
 49. At what hour in the morning did you attend at that polling-place? Before 8 o'clock. I would not be sure as to how many minutes before.
 50. Was that polling-place closed at any time on that day between the hours of 8 a.m. and 4 p.m.? Yes.
 51. At what time? About 12 o'clock.
 52. For how long? Between 20 and 25 minutes; more than 20 minutes, but not 25, I think.
 53. In what way was it closed? The door was shut and the ballot-box was taken out.
 54. By whom? By the presiding officer.
 55. For what purpose was it closed? For the purpose of having lunch in another room.
 56. Was it closed at any other time after that? Not until 4 o'clock.
 57. Then, with the exception of that one break, the poll was kept open from 8 in the morning till 4 in the afternoon? Yes.
 58. Were you there the whole time? Yes.
 59. During the time that the place was closed? I went with the others to lunch.
 60. Who was in charge of the ballot-box during that time? The presiding officer.

61. Did you go outside the building or communicate with any electors during that time? No. Mr. J. Secombe.
62. Of your own knowledge, not from what you have been told, can you say whether there were any electors who applied to record their votes during that interval? I cannot say of my own knowledge. 25 April, 1889.
63. *Mr. Hayes.*] How many votes were polled at your booth on that day? I do not remember.
64. *Mr. Ryrie.*] Was the door locked? No; there was no lock on the door.
65. *Mr. Hayes.*] What was done with the ballot-box while you were at lunch? It was left in the room where we had lunch.
66. The presiding officer took it with him into the room where you had lunch? Yes.
67. Do you know, as poll-clerk, how many ballot-papers you received from the Returning Officer? I forget that.
68. Did you not get them in bundles? Yes, but I would not be quite sure as to the number. I fancy it was about 200.
69. Do you know how many ballot-papers were returned unused? I do not know.
70. You did not count them afterwards? No.
71. *Mr. Frank Smith.*] What were the names of the scrutineers? Mr. Neville was scrutineer for the protectionist candidates, and Mr. Lindsay and Mr. Somerville were scrutineers for the free-trade candidates.
72. Did they make any protest about the ballot-box being removed from the room and the polling-place being closed? No.
73. No one made any objection? I did not hear any.
74. Did you hear any knocking at the door during the time the booth was closed? No.
75. No one attempted to gain admission? No.
76. And the door was not locked? No.
77. None of the scrutineers made any objection? No.
78. *Mr. Street.*] Was there any other entrance except through the room you lunched in? Only a small window, through which an ordinary sized man could not get.
79. Then any persons wanting to get into the polling-booth would have had to pass through the room where you were lunching? They could get there without our seeing them. The room we lunched in was at the back part of the house.
80. But not connected with it? No.
81. *Mr. Frank Smith.*] Was anybody waiting at the door when you opened it again? Only a few persons who were outside talking.
82. No one wanting to record their votes? There did not appear to be any.
83. How long was it after opening the door before any votes were polled? I would not be sure how long.
84. *Mr. Ryrie.*] Was the room you removed to in any way connected with the building? Both rooms belonged to the building.
85. You stated that the room you removed to was at the back? It was at the back, but under the same roof.
86. *Mr. Wilkinson.*] Did it adjoin the room where the poll was taken? No; there was a store between.
87. But you were all together—you and the scrutineers and the presiding officer—at lunch? Yes.
88. And the ballot-box was there all the time? Yes.
89. *Chairman.*] Did you offer any protest to the presiding officer? No.
90. Can you tell the Committee about how many votes were recorded between the time the poll was reopened and 4 o'clock? No; I have no idea.
91. Was there any particular rush of voters to record their votes near the final closing of the poll? I forget that; I could not say.
92. *Mr. Ryrie.*] Were all the scrutineers present during lunch? Yes.
93. *Chairman.*] You were present at the count were you not? Yes.
94. Do you remember whether there were any ballot-papers in the ballot-box that were without the presiding officer's initials? No, there were none found without the initials.
95. *Mr. Wilkinson.*] There was nothing to prevent anyone from going to the room where you were at lunch? No.
96. Supposing any one came to the other room and found you away, I suppose there was nothing to prevent him from acquainting you with the fact. No. Both doors leading through the store were opened.
97. *Mr. McKinnon.*] During the time that the poll was closed did you go outside? Only on to the verandah, and I walked along to the polling-booth from the lunch room.
98. When you were at lunch where you in a position to know if any one came to record their votes? No.
99. You would not know? No.
100. *Mr. Roberts.*] You say that it was about 12 o'clock when you went to lunch? Yes.
101. And at that time there was in the room the presiding officer (Mr. Walter Fryer), yourself, Mr. John Neville (who represented Messrs. McKinnon and Ruthven as scrutineers), Mr. James Somerville, who was scrutineer for myself, and Mr. Wm. Lindsay, who represented Mr. Young, and you all had lunch together? Yes.
102. You did not hear one of those gentlemen offer any objection to the proposal to have lunch? No.
103. And you returned in about 20 minutes? Yes.
104. That would be about 20 minutes past 12? Yes.
105. And you say that the door was not locked; that there was no lock upon the door, so that if any one had knocked at it or pushed it gently it would have opened instantly? Yes.
106. And if any one had come into the room where the votes were taken you would have heard their footsteps in the room where you were having lunch; do you think that probable; there were only boards I suppose; no carpet on the floor? There was no carpet.
107. Then you would probably have heard the footsteps of anyone who came in? If they had stood on the verandah or outside we should not have heard; there were a lot walking about at the time.
108. It was in the adjoining room that you had lunch? No; it did not adjoin the polling-booth.
109. How far away was it; it was under the same roof? Yes; there was one room between.
110. The place where the poll was taken is a building occupied by a storekeeper? Yes.
111. What is his name? Mr. Dark.
112. Did you see Mr. Dark before you went to lunch? Yes.
113. Did you hear the presiding officer ask Mr. Dark if anyone came to vote while you were at lunch to let him know? I did not hear him say that.

- Mr. J.
Secombe.
- 25 April, 1889.
114. But Mr. Dark was about outside while you were in having lunch? Yes.
 115. And the probability is that, if any persons had come to vote, he would have seen them? Yes; probably.
 116. Are there many houses to be seen from where the poll was taken at this Mr. Dark's? No.
 117. How far away is the next house? About 25 or 30 yards.
 118. What house is that? A blacksmith's shop and residence of the blacksmith.
 119. The houses are very scattered there; it is not a thickly populated neighbourhood? No.
 120. There is just a blacksmith's shop and a hotel further on, is there not? The hotel is three-quarters of a mile away.
 121. And those are about all the houses you can see from the polling-place? No; you can see the post office.
 122. Is not the post office at Mr. Dark's store? I believe it is now; it is the old post office that I was thinking of.
 123. There are very few houses about there; the principal voters are residents off the road—farmers and so forth? Yes.
 124. Did you go outside before you went into lunch, or did anyone go outside to see if any person was coming along the road? I would not be sure of that.
 125. You did not go to the front of the building before you went to lunch;—Did you go outside to see if anyone was waiting? We had to go along the front of the verandah to get to the place where we had lunch.
 126. Was there a great crowd there; or how many persons were there? I do not think there were more than twenty or thirty.
 127. Were they people waiting to vote or people who had recorded their votes? A good many had recorded their votes.
 128. And if anyone were waiting to record his vote he naturally would have come in? Yes; the presiding officer, about 5 minutes before the poll was closed, asked all who wanted to vote to come and vote.
 129. He went on to the verandah, I presume, and said, "If any gentleman wishes to record his vote we will be glad to take it as we are going to get lunch," or words to that effect? Yes.
 130. *Chairman.*] That question was put by the presiding officer? Yes.
 131. He asked whether there were any electors present who wished to record their votes, and if there were, to do so, as he was about to take his lunch? Yes, words to that effect.
 132. Did anyone step forward? Yes; there were some who voted after that.
 133. And the presiding officer waited and took their votes? Yes.
 134. And after that you went in and had your lunch? Yes.
 135. *Mr. Roberts.*] Could you see anyone coming down the road from where you were having your lunch? Yes; we could see anybody both ways from the verandah.
 136. Did you see many come down? No; there was nobody in sight.
 137. In fact, is it not the case, as you have told the Committee, that very few people travel along that road? Yes, very few.
 138. You do not recollect how many votes altogether were recorded at Beechwood? No, I do not recollect.
 139. *Chairman.*] The 7th allegation made by the petitioner is to this effect, "That during the said time," that is, the time the poll was alleged to be closed, "a number of voters came to record their votes and were unable to do so";—do you, as poll-clerk, know of your own knowledge whether they did so or not? Not of my own knowledge.
 140. You are not in a position to inform the Committee whether during that interval a number of voters came to record their votes or not? No; I am not in a position to do so.
 141. The next allegation is that the number of ballot-papers counted did not correspond with the number of voters marked on the Electoral Rolls by the presiding officer and poll-clerks—at your polling-place were there more names marked off than there were votes recorded? No; they were exactly the same.
 142. Did you take steps to ascertain whether the number of ballot-papers in the box corresponded with the number of names ticked off in the Electoral List? Yes; we checked the names in the Electoral List as each voter came in.
 143. But at the conclusion of the poll after you had counted the ballot-papers taken from the ballot-box did you then count the number of names ticked on the Electoral List? Yes.
 144. Did they correspond? Yes.
 145. That is, the Electoral List and ballot-papers corresponded? Yes.
 146. One was not greater than the other nor less than the other? No.

Mr. John Neville sworn and examined:—

- Mr. J.
Neville.
- 25 April, 1889.
147. *Chairman.*] Do you remember the last general election for The Hastings and Manuing? Yes.
 148. Did you act in any official capacity? I acted as scrutineer for Mr. Ruthven and Mr. McKinnon at the Beechwood polling-booth.
 149. It is alleged, among other things, by the petitioner that the polling-booth at Beechwood was closed during a portion of the day—that is, between 8 in the forenoon and 4 in the afternoon—and that the ballot-box was in the meantime removed to another room. Can you tell the Committee whether such was the case? That was the case.
 150. At what hour was the polling-booth closed? From about a quarter past 12 until 20 minutes to 1—about 25 minutes.
 151. And what became of the ballot-box during that time? The presiding officer took it into the room where we had lunch.
 152. Who had lunch? The presiding officer, two scrutineers for Mr. Young and Mr. Roberts, and myself.
 153. Did the poll-clerk have lunch too? Yes.
 154. How long were you at lunch? About 20 minutes.

Mr. J.
Neville.

25 April, 1880

155. How far was the room from the polling-booth? The main building is 25 feet long with a door in the centre. There is what is called a skillion room at the end of it, and this skillion room was the polling-booth. We came out of the polling-booth and went in through the front door. The front part of the house is occupied as a store, and we went through that into a room at the back.
156. Is there any communication between the polling-booth and the room where you had luncheon? No, excepting by going outside entirely.
157. There is no communication by door from one room to the other? No.
158. During the interval of lunch do you know of your own knowledge whether any elector applied to record his vote? I could not see anyone outside.
159. Did you offer any protest at the poll being closed? I do not know whether it would be considered a protest or not, but I put the question to the presiding officer whether he was sure it was a legal thing to do, and he said it lay entirely in his discretion whether he closed the booth or not. He said he could close for an hour if he wished.
160. It was closed for the purpose of getting lunch and for no other purpose as you are aware? Not as far as I am aware.
161. When the poll was reopened was there any extraordinary rush of voters, having in view the number of electors about that polling-place? No; there was one person of the name of Mackay who asked the presiding officer if he had done a legal thing in closing the polling-booth. I could not be certain whether he had voted before or not. I think he had.
162. Can you tell the Committee whether during the interval that the booth was closed a number of voters came to record their votes but were unable to do so? No; I cannot say.
163. Were you present at the close of the poll when the ballot-papers were counted? Yes.
164. Will you tell the Committee whether, upon counting those papers any were found that were not initialled? I do not remember any not being initialled.
165. *Mr. McKinnon.*] Was the door of the polling-booth closed when you went out to lunch? Yes, closed but not locked; there was no lock on the door.
166. Was the ballot-box removed to the room where you were having luncheon? Yes.
167. Did any of you go out between the time you left the polling-booth and went in again; did you go out of the house at all? Yes; we went out to the back.
168. Was the presiding officer out at all? No; not at that time that I am aware of.
169. Who remained with the presiding officer when you had lunch; did he remain in the room or go out into the verandah? I think two of us went out to the back, and then we all came round to the polling-booth.
170. Who remained in that room? The poll-clerk and Mr. Lindsay or Somerville.
171. Are you sure there was no one with him all the time? I could not say after I went away whether they left him.
172. You are not sure whether the presiding officer was not left alone with the ballot-box? He may have been for a few minutes.
173. Was it possible for the ballot-box to be manipulated or stuffed from the time it left the polling-booth until the time it came back again? I do not think so.
174. But you are not sure? I am not sure.
175. How long was the polling-booth closed? About 25 minutes.
176. Is there not a saw-mill at some distance from the polling-booth? At Wauchope there is.
177. Is it not likely that there would be a number of men in the neighbourhood of Beechwood who could only get away to vote during the dinner hour? I could not say for a positive fact.
178. But would you think there would be a number of men in that locality who would rather vote during the dinner hour than at any other time? It may be a reasonable supposition, but it would be only supposition.
179. During the time that you were in at lunch, of course none of you were in a position to know whether electors came to vote or not? No. We could not see the front street from where we were.
180. The place where you were lunching is at the back and the polling-booth is in the front? Yes.
181. Are you aware that I had a majority of the votes polled at Beechwood? Yes.
182. Do you know the number of votes polled there? I cannot recollect now; I think it was sixty-seven.
183. Did you draw the attention of the presiding officer to the fact that it was not legal to close the polling-booth? I did not say as a positive fact that it was not, but I put the question to him, because I thought it was not legal.
184. You drew his attention to the fact, asking him if it was legal to close the polling-booth and to remove the ballot-box? Yes.
185. What did he say? He said it was entirely in his discretion as presiding officer to adjourn for lunch.
186. Did he say for how long he could adjourn? He said he could adjourn for an hour if he wished.
187. After the polling was over, did you hear any dissatisfaction expressed in the district about the polling-booth being closed? I heard some discussion by electors to the effect that it was an illegal thing to do.
188. *Mr. Roberts.*] You were scrutineer for Mr. Ruthven and Mr. McKinnon? Yes.
189. And as a matter of fact you did not go away at the dinner hour, but you left the polling-booth a little after 12 o'clock and returned at about 20 minutes to 1? Yes.
190. And although you asked the presiding officer whether it was legal for him to close the booth, you did not offer any objection to it; when he said it was a matter that lay in his discretion you did not object as the representative of McKinnon and Mr. Ruthven? No; because I thought he was master and could do as he liked.
191. It was in a room under the same roof that you went to lunch? I can scarcely say that. The room was a sloping or skillion room.
192. Wauchope, where the sawmill is supposed to be, is 5 miles away from Beechwood, and there is a polling-booth there at which the electors in the neighbourhood would probably vote? Yes.
193. And there were a good many votes polled there? I believe there were.
194. It is not probable that people would go 4 or 5 miles from Wauchope to vote at Beechwood? No.
195. There was no rush of voters when the booth was reopened? No.
196. Nothing to make you suppose for a moment that a lot of people had been waiting to record their votes? No.

- Mr.
J. Neville.* 197. Beechwood is not a very populous place? No.
 198. It is a small village? Yes.
 25 April, 1889. 199. You can count the houses easily? Yes; but not the houses of the electors.
 200. As you were going from the polling-booth to the lunch room, you would see anyone who might be coming to vote, but you did not see anyone coming down the road or you would naturally have drawn the attention of the presiding officer to the fact? Yes.
 201. And as far as you know, no one was prevented from voting? No.

FRIDAY, 26 APRIL, 1889.

Present:—

Mr. Street,
Mr. R. B. Wilkinson,
Mr. Hayes,

Mr. Lee,
Mr. Frank Smith,
Mr. Ryrie.

C. A. Lee, Esq., in the Chair.

Mr. Hugh McKinnon appeared in support of the petition. Mr. C. J. Roberts, one of the Sitting Members, appeared in person, and on behalf of Mr. J. H. Young, the other Sitting Member.

Hugh McKinnon recalled and further examined:—

- Mr. H.
McKinnon.* 202. *Chairman.*] The 10th allegation in your petition is in these words, "That some of the ballot-papers in some of the polling-booths in the said Electoral District after having been removed from the ballot-box at the close of the poll for the purpose of being counted had not the initials of the presiding officer on them, as required by section 33 of 44 Vic. No. 13";—have you any evidence to support that allegation? I have no evidence further than that I was told that some of the ballot-papers had not the initials. That is why I included the allegation in the petition.
 203. But have you any reliable testimony in support of that allegation? None, further than that I was told that some of the papers were not initialled.
 204. You do not know it of your own knowledge? No.
 205. Have you any witnesses present who could give testimony upon this point? No.
 206. This being one of the allegations in your petition, have you taken any steps to procure evidence in support of it? Not any further evidence than might be found upon an examination of the ballot-papers.
 207. You say in the 11th allegation of your petition "That the number of ballot-papers counted did not correspond with the number of voters marked on the Electoral Rolls by the presiding officer and poll-clerks." Have you any evidence to support that allegation? None, further than that I was told by a scrutineer at Cundle that they did not correspond.
 208. *Mr. R. B. Wilkinson.*] Is he here? No, I think not. I did not look upon it as necessary to bring any witnesses in reference to this matter, as I thought it would be dealt with by the Committee upon an examination of the ballot-papers, when it would be seen whether the numbers corresponded.
 209. *Chairman.*] Your allegation is a very wide one. You may possibly have intended it to refer to one or more polling-places;—do you wish to confine it to particular places, or do you wish to spread it over the whole of the Electoral Lists in the district? I wish it to refer to the whole of them.
 210. In that case we must ask you to produce some evidence, or some outline of evidence, justifying the Committee in entering upon an elaborate search of that character. It is for you to sustain the petition. Having made an allegation of this character, it is for you to produce as much evidence as you can in support of it? Yes; but I was under the impression that we should get at the facts on a recount of the ballot-papers without my producing any further evidence.
 211. What you are asking for would necessarily lead to the consumption of a large amount of valuable time by this Committee. It would also necessitate the retention of witnesses and increase the costs. Of course if your allegation is not sustained, it would be competent for the Committee to consider whether you should not be called upon to bear a portion of the costs. It is competent for you to withdraw any allegation in your petition at the present time. Before proceeding further, we should like to know whether it is your intention to proceed with the allegation contained in paragraph 11 among others? As I have no desire to waste any of the time of this Committee, and as I entered this allegation as one of my points from hearsay, depending upon a recount of the ballot-papers for its proof, I should like to withdraw it, rather than waste any time.
 212. That view of the case must not be taken. The time of the Committee is at the disposal of the country. It is for you to decide whether you will proceed with allegation No. 11 or not? With the permission of the Committee I will withdraw the point as to the number of ballot-papers not corresponding with the number of voters marked on the rolls.
 213. You wish to withdraw that? Yes.
 214. Allegation No. 12 is as follows: "That at several of the polling-places in the said electorate votes were declared informal which were not informal, and which should have been counted in favour of your petitioner and against the said James Henry Young and Charles James Roberts." Have you any evidence to offer in support of that allegation? Yes. I should like to call the Returning Officer in reference to that.

James M'Inherny recalled and further examined:—

- Mr.
J. M'Inherny.* 215. *Mr. McKinnon.*] In reference to the ballot-papers at Taree, were not some of them marked informal, simply because the stroke was downwards? I think there was one; the stroke was through one of the initials of the name, and it was declared informal.
 26 April, 1889. 216. *Chairman.*] You think there was one? I know there was one.
 217. It might have been taken you think as formal? No, I do not think so. I considered myself that it was informal. There is merely a stroke through the "J" of Mr. Roberts' name, and through the "H" of Mr. Young's name downwards.

218. *Mr. Hayes.*] May there not have been more than one marked in that way? I do not think there was more than one. Mr. J. M'Inherny.
219. That is at Taree, where you presided? Yes. In another case the mark was through the christian name of Mr. McKinnon, and that was allowed to Mr. Roberts and Mr. Young. Upon the same paper the pencil was put through "John Lowry" in the case of Mr. Ruthven's name. I think there were only three informal votes altogether at Taree. In the third case none of the names were scratched out at all. 26 April, 1889.

- Walter Fryer, called in, sworn, and examined:—
220. *Chairman.*] You remember the election for the Electoral District of The Hastings and Manning at the last general election? Yes. Mr. W. Fryer.
221. Did you act in an official capacity at that election? As the presiding officer at Beechwood. 26 April, 1889.
222. Will you tell the Committee as shortly as possible, how you conducted the proceedings. Among other allegations contained in the petition before the Committee is the following:—"That the polling-booth at Beechwood aforesaid was closed for a portion of the time between the hours of 8 o'clock in the forenoon and 4 o'clock on the afternoon on the day of polling, and that the ballot-box was in the meantime removed to another room." At what time did you open the poll? At 8 o'clock.
223. When did you close it? At 4 o'clock.
224. Did you close it at any time during the day? For about 20 minutes during lunch time.
225. At what hour? At about 12 o'clock.
226. Previous to closing did you give any intimation to the electors? Yes. I went on to the verandah of the polling-room and asked whether anyone wished to record his vote then, and, if not, whether they would kindly wait until we had our lunch.
227. Was there any response to that from the electors? No one came.
228. Did you then lock the door of your polling-place? No; I did not even close it, it was partly open—ajar.
229. Where did you have your luncheon? In a room in the same premises.
230. Was it in an adjoining room? There was a shop between the two rooms.
231. Was there any immediate communication between the two rooms? All the doors were open.
232. Was there direct communication between the polling-booth and the room where you had lunch? We would have to go on to the verandah to get to the polling-booth.
233. Where was the ballot-box left during lunch? We took the ballot-box with us.
234. Did it leave your charge? No.
235. Who else was present? The poll-clerk and the scrutineers.
236. Did they all lunch with you? Yes.
237. Did either of them protest against you closing the booth? No; no protest at all.
238. Where were the unused ballot-papers during this time? In with the ballot-box.
239. Did you place the ballot-box within its outer case? Yes; and the ballot-papers with it—the unused ones.
240. Did you lock the outer case and keep the key? Yes.
241. Consequently no one could have had access to the box during that time? No one whatever.
242. When you resumed your duties were there many electors present? There seemed to be a goodly number outside, but no one about the polling-booth.
243. Did they then come in to vote freely? Not for about 10 minutes afterwards. I think they did not come in very freely. One or two came in very soon after we resumed duties.
244. Was there any rush of electors immediately before or just after the final closing of the poll? None whatever. No particular rush.
245. About how many electors are in that portion of the electorate? About eighty, or perhaps a few more.
246. Do some live at a distance from the polling-booth? I cannot tell the distance.
247. What is the nearest polling-booth? Wauchope, about 5 miles away.
248. Did any elector inform you that he had been unable to vote at that polling-booth in consequence of your having closed the poll? None whatever.
249. Have you any reason to suppose that any elector lost his vote in consequence? None whatever.
250. At your polling-place, when finally counting the papers, were any ballot-papers found in your box without your initials? None.
251. Were any papers declared informal? One.
252. Was there any question of dispute between you and either of the scrutineers as to the formality of any particular ballot-paper;—were there any papers voted in such a loose manner that there was a doubt as to whether they were formal or informal? None, in that way.
253. Was there no contention between yourself and the scrutineers for the candidates respecting any ballot-paper? Nothing whatever. We were on the most agreeable terms all day.
254. Were there any ballot-papers at your polling-place counted for James Henry Young and Charles James Roberts, which, in your opinion, should have been counted for the petitioner? None whatever.
255. *Mr. Hayes.*] How many votes were polled at your booth on that day? I cannot be certain, but I think seventy-nine. It was between seventy and eighty—that is for the whole of the candidates.
256. *Mr. R. B. Wilkinson.*] If any one wanting to vote came there while you had the place shut up would there be anything to prevent him from going to you and demanding to vote? No; I told the owner of the premises to state to any one who came that I would be out in a few minutes.
257. Did any one come? One did, and he subsequently voted.
258. Was there anything to prevent an elector who intended to vote coming to you whilst you were at lunch and demanding a vote? There was nothing to prevent him.
259. Did any one do so? No; one came and asked Mr. Dark, the owner of the premises.
260. *Chairman.*] Did he wait and subsequently vote? Yes.
261. *Mr. McKinnon.*] To what room did you remove the ballot-box? The luncheon room.
262. Is not that at the rear of the premises? It is at the back.
263. Is it a skillion place? I would not exactly call it a skillion.
264. Is it under the main roof, or is it a skillion place? I do not think it is exactly under the main roof. It may be termed a skillion. 265.

Mr.
W. Fryer.

265. And the place where the polling was conducted was at the front of the building? Yes; it is a little room on the corner of the main building.
266. While you were away at lunch, might not voters have come there and have gone away again without your knowing it? It is not very likely, because we could hear them on the gravel path.
267. Were there not a great many people walking about outside? Electors might have come without knowing, but I left a man in charge.
268. He told you of one? Yes.
269. Did you go out of the house at all during the time you closed the ballot until you came back? No.
270. Did Mr. Neville ask you, when you closed for lunch, whether you considered it was legal for you to do so? No.
271. Did Mr. Mackay or anyone ask you? Not when closing.
272. Or at any time before doing so? No.
273. Or after? After it was all over Mr. Mackay asked me if it was right to do so, and I told him I thought it was, inasmuch as I had left someone in charge.
274. What became of the ballot-papers left after the voting was over? They were enclosed in my bundle, which was sent to the returning officer.
275. Were the numbers used and unused both counted, and did they coincide with the number issued? They coincided except as to the one I had to tear up, which an elector spoiled.
276. Did you count the unused ones when sending them away? I cannot say; I do not think so.
277. Then you are not sure whether you did? I think so, because I opened the two bundles.
278. How many were issued? I cannot say exactly; I think 200.
279. You did not count them? There were four parcels or packages, with fifty in each package. I did not actually count them.
280. You did not count the unused ones to see that they and the used ones tallied with the number issued? No; I did not think it was necessary.
281. Would any stranger coming to the polling-booth have some difficulty in finding out where you were at the back;—would he not have to go down the verandah and through the shop? He might find me as almost as easily at the back as at the polling-booth, because the booth was a very inconvenient place.
282. Was there not a shop between? Yes.
283. *Mr. Roberts.*] Are you a Magistrate of the Colony? Yes.
284. Did you act as presiding officer at elections before this? Yes; on two previous occasions.
285. When you decided to take lunch, did anyone of the scrutineers offer any opposition? None whatever; they were all agreeable to go; in fact, the scrutineer for Mr. McKinnon wanted to go home to his own place, but I and the other scrutineer, Mr. Lindsay, prevented him from doing so.
286. The door of the booth was not really locked, but was merely closed? Yes.
287. Before you went into lunch did you ask if anyone wanted to vote? Yes.
288. How many were outside then? Twenty or thirty.
289. Had they all voted? I cannot say.
290. How many of them? A good many had voted, but most of the people voted after lunch; in fact, during the morning we waited sometimes 20 minutes and no one came in.
291. No one stepped forward and said he wished to vote when you said you wished to go to lunch? Yes.
292. You did not see any people coming down the road likely to vote or you would have waited? Had I known anyone wished to vote I would have gone out.
293. Could you see some distance from the building? Yes, both ways, and I would have waited if I had seen anyone coming.
294. In addition to taking the precaution to ask the crowd if anyone wished to record his vote before lunch, you asked Mr. Dark, who keeps the post office, to be on the watch? Yes; he owns the premises.
295. You told him to keep a strict lookout while you were taking lunch, and to let you know if anyone came, or to tell anyone to wait until you had finished lunch? Yes.
296. Did Mr. Dark say he would do so? Yes.
297. Is the room where you took lunch really under the same roof as the polling-booth? Yes.
298. Is it a weatherboard building? Yes; either weatherboard or planks.
299. You simply walked from one end of the verandah to the other to take lunch? Not to the end of the verandah. We walked along it partly and went through the store.
300. The probability is that even where you were sitting at lunch you would have heard the footsteps of any people anxious to vote walking on the verandah? Yes.
301. You did not hear any footsteps and everything was very quiet? Yes.
302. Is Beechwood a thickly populated place? No, it is scattered.
303. How many houses can you see from the verandah of the polling-booth? About a dozen, at different distances.
304. How far away are they? Two or three are very close and the others are about a mile away.
305. After the election was over on that afternoon, or at any other time, did you hear of any voters being unable to record their votes through your action in taking lunch? Only the one. He told me afterwards; that was John G. Miller; he voted afterwards.
306. Did he arrive while you were taking lunch and wait and then vote? He told me that it was 10 minutes from the time he came to the time he recorded his vote.
307. *Mr. Street.*] Did he make any complaint about you not being in your place? No.
308. *Mr. Roberts.*] Was that the only mention of the matter that reached your ears? Yes.
309. *Mr. McKinnon.*] Do you know Alexander Stephenson? Yes.
310. Is it a fact that he came there while the polling-booth was closed and was unable to vote? Not that I heard of. I did not hear that he was unable to record his vote. I know he recorded his vote.
311. At Beechwood? Yes.
312. *Mr. Street.*] Before or after your lunch? After lunch.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITION—ROSE *v.* BALL—ARGYLE.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

23 May, 1889.

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	7
Proceedings of the Committee	8
List of Witnesses.....	10
Minutes of Evidence	11

1889.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

ELECTION PETITION—ROSE v. BALL—ARGYLE.

VOTES No. 3. FRIDAY, 1 MARCH, 1889.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

*"Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of
New South Wales, by the Electoral Act of 1880, I do hereby appoint—*

<i>"Joseph Hector Carruthers, Esquire,</i>	<i>"Charles Alfred Lee, Esquire,</i>
<i>"Robert George Dundas Fitzgerald,</i>	<i>"Alexander Ryrie, Esquire,</i>
<i>"Esquire,</i>	<i>"Bruce Smith, Esquire, and</i>
<i>"James Hayes, Esquire,</i>	<i>"Robert Bliss Wilkinson, Esquire,</i>

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

*"Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
this first day of March, in the year of our Lord one thousand eight hundred and
eighty-nine.*

*"JAMES HENRY YOUNG,
"Speaker."*

VOTES No. 2. THURSDAY, 28 FEBRUARY, 1889.

6. ELECTION PETITION (*Argyle*):—Mr. Dibbs, *by command*, laid upon the Table an Election Petition, which had been addressed to His Excellency the Governor, from Thomas Rose, alleging that, in the late Election for the Electoral District of Argyle, when William Hillier Holborow and Edward Joseph Ball were returned, many mistakes were made in counting the ballot-papers; that many of such papers were declared informal which should have been counted in favour of the Petitioner and Solomon Meyer; and that other irregularities took place; praying that the Petition may be dealt with according to law; that the return of the said Edward Joseph Ball may be declared null and void, for the reasons stated in the Petition; and that the Petitioner be declared duly elected for the said Electoral District.
Ordered to lie on the Table.

VOTES No. 7. FRIDAY, 8 MARCH, 1889.

1. * * * * *
1. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—
- (1.) *Maturity of Warrant reported*:—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Friday, 1st March, 1889, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee; and intimated that it was therefore open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.
 - (2.) *Members Sworn*:—Charles Alfred Lee, Esquire, and Alexander Ryrie, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.
2. ELECTION PETITIONS:—Mr. Dibbs moved, That the following Election Petitions be referred to the Committee of Elections and Qualifications:—
- (1.) From Thomas Rose, complaining of the Election and Return of Edward Joseph Ball, a Member for the Electoral District of Argyle, laid upon the Table of this House on 28th February last.
- * * * * *
- Question put and passed. 9.

9. COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

"Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of
"New South Wales, by the Electoral Act of 1880, I do hereby appoint—

"Frank James Smith, Esquire, and
"John Rendell Street, Esquire,

" being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Joseph Hector Carruthers, Esquire, and Bruce Smith, Esquire, whose Seats in the said Assembly were this day declared vacant, by reason of their acceptance of the offices of Minister of Public Instruction and Secretary for Public Works respectively.

" Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
" this eighth day of March, in the year of our Lord one thousand eight hundred and
" eighty-nine.

" JAMES HENRY YOUNG,
" Speaker."

VOTES No. 11. TUESDAY, 9 APRIL, 1889.

- ## 2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

(1.) *Maturity of Warrant reported* :—Mr. Speaker reported that his Warrant, laid upon the Table on the 8th March last, appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect ; and intimated that it was therefore open to Mr. Smith and Mr. Street to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Members of Committee Sworn* :—James Hayes, Esquire, Frank James Smith, Esquire, and John Rondell Street, Esquire, came to the Table and were sworn by the Clerk as Members of the Committee.

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

12. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Robert Bliss Wilkinson, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.

16. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Pursuant to the requirement of the 59th section of the Electoral Act of 1880, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at eleven o'clock a.m., to-morrow, the 11th instant, in Committee Room No. 3.

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

- #### 4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) Mr. Speaker informed the House that he had received a letter from Robert George Dundas Fitzgerald, Esquire, resigning his appointment as a Member of the Committee of Elections and Qualifications which letter he read to the House as follows:—

"J. H. Young, Esquire, M.P., Speaker, Legislative Assembly —

" Dear Sir. " Camp National Park 26 April 1889

"I much regret that I have been unable to take the Oath as a Member of Elections
"and Qualifications Committee; and as I cannot do so during the ensuing week, I reluctantly
"tender you my resignation as a Member of that Committee, with a view to saving inconvenience,
"as pointed out by Mr. Lee.

"Yours truly,
"ROBT. GEO. D. FITZGERALD."

(2.) Mr. Speaker then, pursuant to the requirement of the Electoral Act of 1880, laid upon the Table his Warrant appointing Joseph Palmer Abbott, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

"Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of
"New South Wales, by the Electoral Act of 1880, I do hereby appoint—

" Joseph Palmer Abbott, Esquire,

"being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, "in the room of Robert George Dundas Fitzgerald, Esquire, resigned.

" Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
" this thirtieth day of April, in the year of our Lord one thousand eight hundred and
" eighty-nine.

" JAMES HENRY YOUNG,
" Speaker."

VOTES No. 22. WEDNESDAY, 8 MAY, 1889.

1. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported* :—Mr. Speaker reported that his Warrant, laid upon the Table on the 30th April last, appointing Joseph Palmer Abbott, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Abbott to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Member Sworn* :—Joseph Palmer Abbott, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee.

VOTES No. 30. THURSDAY, 23 MAY, 1889.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Election Petition—Rose v. Ball, Argyle* :—Mr. Lee, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Committee of Elections and Qualifications, to whom was referred, on 8th March, 1889, the Petition of Thomas Rose against the return of Edward Joseph Ball as a Member for the Electoral District of Argyle.

And the said Report was read at length by the Clerk, by direction of Mr. Speaker, as follows:—

"The Committee of Elections and Qualifications, duly appointed on 1st March, 1889, to whom was referred, on 8th March, 1889, a Petition from Thomas Rose, alleging that in the late Election for the Electoral District of Argyle, when William Hillier Holborow and Edward Joseph Ball were returned, many mistakes were made in counting the ballot-papers; that many of such papers were declared informal which should have been counted in favour of the Petitioner and Solomon Meyer; and that other irregularities took place; praying that the Petition may be dealt with according to law; that the return of the said Edward Joseph Ball may be declared null and void, for the reasons stated in the Petition; and that the Petitioner be declared duly elected for the said Electoral District,—have determined, and do hereby declare,—

- " (1.) That Edward Joseph Ball, Esquire, one of the sitting Members, has been duly elected.
- " (2.) That the Petition of Thomas Rose is not frivolous nor vexatious.
- " (3.) That the Committee make no award as to costs.

"CHARLES A. LEE,
"Chairman."

"No. 3 Committee Room,

"Legislative Assembly, 23rd May, 1889."

Ordered, on motion of Mr. Lee, that the Report and Minutes of Proceedings and Evidence be printed.

(2.) *Adjournment of the Committee* :—Mr. Lee moved, That the Committee of Elections and Qualifications have leave to adjourn *sine die*, the matters referred to them having been disposed of. Question put and passed.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITION—ROSE v. BALL—ARGYLE.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 1st March, 1889, to whom was referred, on 8th March, 1889, a Petition from Thomas Rose, alleging that, in the late Election for the Electoral District of Argyle, when William Hillier Holborow and Edward Joseph Ball were returned, many mistakes were made in counting the ballot-papers; that many of such papers were declared informal which should have been counted in favour of the Petitioner and Solomon Meyer; and that other irregularities took place; praying that the Petition may be dealt with according to law; that the return of the said Edward Joseph Ball may be declared null and void, for the reasons stated in the Petition; and that the Petitioner be declared duly elected for the said Electoral District,—have determined and do hereby declare:—

1. That Edward Joseph Ball, Esquire, one of the Sitting Members, has been duly elected.
2. That the Petition of Thomas Rose is not frivolous nor vexatious.
3. That the Committee make no award as to costs.

CHARLES A. LEE,

Chairman.

No. 3 Committee Room,
Legislative Assembly,
23rd May, 1889.

1889.

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

In the matter of the Election Petition, which had been addressed to His Excellency the Governor, from Thomas Rose, alleging that, in the late Election for the Electoral District of Argyle, when William Hillier Holborow and Edward Joseph Ball were returned, many mistakes were made in counting the ballot-papers; that many of such papers were declared informal which should have been counted in favour of the Petitioner and Solomon Meyer; and that other irregularities took place; praying that the Petition may be dealt with according to law; that the return of the said Edward Joseph Ball may be declared null and void for the reasons stated in the Petition; and that the Petitioner be declared duly elected for the said Electoral District.

THURSDAY, 23 MAY, 1889.

MEMBERS PRESENT:—

Mr. Lee, in the Chair,

Mr. J. P. Abbott,
Mr. Hayes,

Mr. R. B. Wilkinson.

Mr. Street,
Mr. Frank Smith,

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the Extract from the Votes and Proceedings, by which the Petition of Thomas Rose, was referred to the Committee. [Vide Extract, page 3.]
2. The Clerk then, by direction of the Chairman, read the Petition of Thomas Rose, to which the Bank deposit-receipt was attached, as follows:—

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

The humble Petition of Thomas Rose, of Elsic-street, Burwood, near Sydney, in the Colony of New South Wales, Journalist,—

SHOWETH:—

1. That at the last General Election of Members to serve in the Legislative Assembly, in the said Colony, William Hillier Holborow, Edward Joseph Ball, Solomon Meyer, and your Petitioner were severally candidates to be elected as Members of the said Assembly for the Electoral District of Argyle.

2. That at the Nomination for the said Election, each of them, the said William Hillier Holborow, Edward Joseph Ball, Solomon Meyer, and your Petitioner, were duly nominated and proposed as such Members, and the Returning Officer then called for a show of hands separately in favour of each candidate, and upon the same taking place declared the show of hands to be in favour of your Petitioner and the said Solomon Meyer, whereupon a Poll was demanded on behalf of the said William Hillier Holborow and Edward Joseph Ball, which was afterwards taken.

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

4. That the Returning Officer on the day of the declaration of the Poll for the said Electoral District declared the number of votes polled for the respective candidates to be as follows:—

For the said William Hillier Holborow—Nine hundred and eighty-two votes.

For the said Edward Joseph Ball—Nine hundred and fifty votes.

For your Petitioner—Nine hundred and forty-one votes.

And for the said Solomon Meyer—Nine hundred and twelve votes.

And thereupon declared the said William Hillier Holborow and Edward Joseph Ball to be duly elected as Members of the said Assembly for the said Electoral District; and the said Returning Officer afterwards endorsed on the writ for the said election the names of the said William Hillier Holborow and Edward Joseph Ball as the persons so elected, and returned the said writ.

5. That the Returning Officer for the said Electorate of Argyle declared publicly that the candidate Solomon Meyer had polled eight hundred and twelve votes, when in truth he had polled nine hundred and twelve votes, and your Petitioner has heard and verily believes that many mistakes were made in counting the ballot-papers.

6. That your Petitioner has heard and verily believes that many of the polling-papers were declared informal which were not informal, and that such votes should have been counted in favour of your Petitioner and the said Solomon Meyer, thereby giving as your Petitioner verily believes a majority of votes in favour of your Petitioner.

7. That your Petitioner has also heard and verily believes that many of the said polling-papers were not initialised by the Deputy Returning Officers, according to the provisions of the Electoral Act, and were therefore informal.

8. Your Petitioner, pursuant to the Electoral Act of 1880, has caused the sum of one hundred pounds to be paid into the Commercial Bank of Australia (Limited), Pitt-street, Sydney, to the credit of the Speaker of the Legislative Assembly, in relation to this Petition, and the Bank deposit receipt for such payment is hereto annexed.

Your

Your Petitioner, therefore, humbly prays that this Petition may be dealt with according to law, and that the return of the said Edward Joseph Ball, as a Member of the said Legislative Assembly for the said Electoral District of Argyle, may be declared null and void for the reasons aforesaid; that a scrutiny of all ballot-papers should be made by the Committee of Elections and Qualifications; that for the reasons aforesaid may be declared that the said Edward Joseph Ball was not lawfully elected, and is not such Member of the said Legislative Assembly for the said Electoral District; that it may be declared and determined that your Petitioner is duly elected at the said election to serve and be a Member of the said Legislative Assembly for the said Electoral District of Argyle, and is entitled to take his seat accordingly in the Legislative Assembly.

And your Petitioner will ever pray, &c.

THOMAS ROSE.

Dated at Sydney, the twenty-seventh day of February, A.D. 1889.

Sydney, 27 February, 1889.

PAID to the credit of the Speaker of the Legislative Assembly, in relation to the Petition of Thos. Rose, with the Commercial Bank of Australia (Limited), Sydney, the sum of one hundred pounds, by

THOMAS ROSE.

£100.

J. WATERHOUSE.
Teller.

3. The Clerk submitted a letter from the Honorable the Speaker, enclosing a certified copy of a letter he had received from Edward Joseph Ball, Esquire, giving notice of his intention to defend his Seat, which he read as follows:—

"Legislative Assembly Chamber,
"Sydney, 10 April, 1889.

"To the Committee of Elections and Qualifications,—

"Gentlemen,

"I have the honor to transmit to you herewith a copy of a letter which has been received by me from Edward Joseph Ball, Esquire, one of the Sitting Members for Argyle, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

"I have, &c.,

"JAMES HENRY YOUNG,
"Speaker."

[Enclosure.]

Sir,

Goulburn, 26 March, 1889.

Referring to the Petition of Thomas Rose, which was referred to the Elections and Qualifications Committee on the 8th March instant, I have the honor to request that I may be admitted as a party to the reference, and be allowed to defend my seat before the Committee.

I have, &c.,

E. J. BALL.

The Honorable the Speaker of the Legislative Assembly.

A true copy.—JAMES HENRY YOUNG, Speaker.

4. Parties called in.

Present:—Thomas Rose, Esquire (*the Petitioner*).

Thomas Williamson, Esquire (*Solicitor for the Petitioner*.)

Edward Joseph Ball, Esquire (*the Sitting Member*).

5. Frederick William Webb, Esq., Clerk of the Legislative Assembly, called in, sworn, and examined. Witness produced the Writ of Election certifying to return of William Hillier Holborow and Edward Joseph Ball, as Members for Argyle.

Witness also produced the parcel of ballot-papers, as received from the Returning Officer for Argyle. Witness withdrew.

6. Thomas Rose, Esquire, the Petitioner, sworn and examined.

7. Thomas Naughton called in, sworn, and examined.

8. Room cleared.

9. Committee proceeded to the scrutiny of the ballot-papers.

10. The Chairman reported the result of the scrutiny, which was confirmed by the Committee as follows:—

William Hillier Holborow	...	...	...	...	...	978
Edward Joseph Ball	...	...	...	...	...	946
Thomas Rose	...	...	...	...	...	942
Solomon Meyer	...	...	...	...	...	911

11. *In re Bowers and another v. the Sitting Members, South Sydney:*—

The Chairman submitted letter from Samuel T. Whiddon, Returning Officer for South Sydney, which was read by the Clerk by direction of the Chairman, as follows:—

Sir, I have the honor to request that you will please cause to be paid into the Commercial Bank of Sydney to my public account the sum of £9 9s. to enable me to pay the expenses of Returning Officer and Presiding Officers who attended at the Legislative Assembly Chambers by summons from the Honorable the Speaker to give evidence in the Petition against the elected Members for South Sydney, who were elected on the 2nd day of February, 1889.

Electoral District, South Sydney, Sydney, April, 1889.

Samuel Thomas Whiddon, Esquire, Returning Officer;
William Solomons, Esquire, Presiding Officer;
Francis Northey Aldritt, Esquire, "
William Henry Whiddon, Esquire, "
Alfred Campbell Begbie, Esquire, "
Thomas Ridley, Esquire, "
Charles Heden, Esquire, "

I have, &c.,

SAMUEL T. WHIDDON,

Returning Officer.

The Honorable the Colonial Secretary, Sydney.

Acct., 11/5/89.—This is a matter which should be dealt with by the Committee of Elections and Qualifications. Shall this letter be referred to the Clerk of the Assembly?—J.O., 7/5/89. Refer, 17/5/89. The Clerk of the Legislative Assembly.—C.W., P.U.S., B.C., 17th May, 1889. Mr. Robertson,—Please submit to the Committee of Elections and Qualifications.—F. W. WEBB, 21/5/89.

Resolved,—

That this Committee, having reported and finally settled the matter of this Petition without making any award as to costs, the question of witnesses' expenses cannot now be entertained.

12. The Committee deliberated as to Report.

Mr. Hayes moved,—

That the following be the Report of the Committee:—

- “ 1. That Edward Joseph Ball, Esquire, one of the Sitting Members, has been duly elected.
- “ 2. That the Petition of Thomas Rose is not frivolous nor vexatious.
- “ 3. That the Committee make no award as to costs.”

Question put and agreed to.

13. That the Chairman report to the House accordingly, and move for leave to adjourn *sine die*.

R. W. ROBERTSON,
Second Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
Naughton, John	11
Rose, Thomas	11
Webb, Frederick William	11

COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

ELECTION PETITION—ROSE v. BALL—ARGYLE.

THURSDAY, 23 MAY, 1889.

Present:—

Mr. Lee, Mr. J. P. Abbott, Mr. Street, C. A. Lee, Esq., in the Chair.	Mr. Frank Smith, Mr. Hayes, Mr. R. B. Wilkinson.
--	--

Mr. Williamson, solicitor, appeared on behalf of the Petitioner.

- Frederick William Webb, Esq., Clerk of the Legislative Assembly, called in, sworn, and examined:—
1. *Chairman.*] Do you produce the writ for the Electoral District of Argyle issued to the Returning F. W. Webb, Officer at the last general election? I produce the writ issued by His Excellency the Governor, on 19th January, 1889, for the election of two Members to serve for the Electoral District of Argyle, upon which the Returning Officer has certified the return of William Hillier Holborow, Esq., and Edward J. Ball, Esq., as such Members.
 2. Do you produce the ballot-papers? Yes; I produce a bundle containing the balloting-papers, certified under the hand of the Returning Officer as having been used at the election referred to in the writ.

Mr. Thomas Rose sworn and examined:—

3. *Chairman.*] Do you remember the occasion of the last general election for the Electorate of Argyle? Yes.
4. Were you a candidate for Parliamentary honours on that occasion? Yes.
5. Subsequently did you lodge a Petition against the return of Mr. E. J. Ball, one of the sitting Members? Yes.
6. Is this the Petition with your signature thereto? Yes.
7. *Mr. Williamson.*] At the time you were a candidate for Argyle had you the necessary qualification? Yes; the qualification required by the Electoral Act.
8. Are the allegations contained in the Petition based upon statements made by persons some of whom are here to-day? Yes.
9. Do you remember Saturday, the day of election? Yes; the 2nd February.
10. Was that the polling-day? Yes.
11. Were you present on that day when the Returning Officer declared the number of votes polled? No.
12. Were you present on the following Monday when the Returning Officer made a statement at the hustings? Yes. He stated that he could not officially declare that Mr. Holborow and Mr. Ball were elected, but it was an understood thing that they were elected and they returned thanks to the electors. The Marulan ballot-papers had not come to hand on that day. The Returning Officer also told me that he had to send out to Bindia for the statement signed by the Returning Officer.
13. Is that the statement required to be signed by the Returning Officer and scrutineers, showing the number of votes recorded for each candidate? Yes. The Returning Officer told me it was signed, but I understand it was not signed in the presence of the scrutineers. It was sent across the next day.
14. Did the Returning Officer make any statement with regard to the numbers? Yes. There was a difference of nearly 100 in the numbers. Mr. Meyer was declared to have 912 votes, whereas on the previous day it was declared that he had 800 or 812.
15. *Chairman.*] Were you present at the official declaration of the poll? No; that was on the 9th.
16. *Mr. Ball.*] You say that at what you term the declaration of the poll on the Monday the Returning Officer declared a certain statement as to the numbers? Yes, the Returning Officer made a statement of the numbers.
17. Did he make any declaration? I have not said that he did.
18. You admit that he did not make the official declaration on that Monday? I stated previously that the Returning Officer did not make the official declaration on that day.

Mr. John Naughton called in, sworn, and examined:—

19. *Chairman.*] Where do you reside? Near Laggan, in the electorate of Argyle.
20. Do you remember the polling-day at the last general election for Argyle? Yes.
21. Did you act in any official capacity? I acted as scrutineer for Mr. Rose and Mr. Meyer at a polling-place called Laggan.
22. *Mr. Williamson.*] Where is Laggan? About 30 miles from Goulburn.
23. Is it near Bindia? It is the next polling-place; it is about 12 miles from Bindia.
24. How far is it from Crookwell? Six miles. There was a polling-place at Crookwell.
25. Who was the presiding officer? Mr. William Henderson.

Mr. John
Naughton.

23 May, 1889.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITION—ANDERSON *v.* SCHEY—REDFERN.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX

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

SYDNEY: CHARLES POTTER, GOVERNMENT PRINTER.

1889.

TABLE OF CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings	3
Report	7
Proceedings of the Committee	8
List of Witnesses.....	12
Minutes of Evidence	1
Appendix	48

1889.

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

ELECTION PETITION—ANDERSON v. SCHEY—REDFERN.

VOTES No. 3. FRIDAY, 1 MARCH, 1889.

3. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

“Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

“ Joseph Hector Carruthers, Esquire,	“ Charles Alfred Lee, Esquire,
“ Robert George Dundas Fitzgerald,	“ Alexander Ryrie, Esquire,
“ Esquire,	“ Bruce Smith, Esquire, and
“ James Hayes, Esquire,	“ Robert Bliss Wilkinson, Esquire,

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

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this first day of March, in the year of our Lord one thousand eight hundred and
“ eighty-nine.

“ JAMES HENRY YOUNG,
“ Speaker.”

VOTES No. 7. FRIDAY, 8 MARCH, 1889.

* * * * *

1. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—

(1.) *Maturity of Warrant reported:*—Mr. Speaker reported that his Warrant appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Friday, 1st March, 1889, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect as an appointment of such Committee; and intimated that it was therefore open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Members Sworn:*—Charles Alfred Lee, Esquire, and Alexander Ryrie, Esquire, came to the Table, and were sworn by the Clerk as Members of the Committee.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS:—Mr. Speaker, pursuant to the requirements of the Electoral Act of 1880, laid upon the Table his Warrant appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

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

“Pursuant to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

“ Frank James Smith, Esquire, and
“ John Rendell Street, Esquire,

“ being Members of the said Assembly, to be Members of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, in the room of Joseph Hector Carruthers, Esquire, and Bruce Smith, Esquire, whose Seats in the said Assembly were this day declared vacant, by reason of their acceptance of the offices of Minister of Public Instruction and Secretary for Public Works respectively.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this eighth day of March, in the year of our Lord one thousand eight hundred and
“ eighty-nine.

“ JAMES HENRY YOUNG,
“ Speaker.”

VOTES

VOTES No. 11. TUESDAY, 9 APRIL, 1889.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

- (1.) *Maturity of Warrant reported* :—Mr. Speaker reported that his Warrant, laid upon the Table on the 8th March last, appointing Frank James Smith, Esquire, and John Rendell Street, Esquire, to be Members of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Smith and Mr. Street to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.
- (2.) *Members of Committee Sworn* :—James Hayes, Esquire, Frank James Smith, Esquire, and John Rendell Street, Esquire, came to the Table and were sworn by the Clerk as Members of the Committee.

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

12. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Robert Bliss Wilkinson, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee of Elections and Qualifications.
16. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—Pursuant to the requirement of the 59th section of the Electoral Act of 1880, Mr. Speaker appointed the first meeting of the Committee of Elections and Qualifications to take place at eleven o'clock a.m., to-morrow, the 11th instant, in Committee Room No. 3.

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

4. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

(1.) Mr. Speaker informed the House that he had received a letter from Robert George Dundas Fitzgerald, Esquire, resigning his appointment as a Member of the Committee of Elections and Qualifications, which letter he read to the House, as follows:—

“ J. H. Young, Esquire, M.P., Speaker, Legislative Assembly,—

“ Dear Sir,

“ Camp, National Park, 26 April, 1889.

“ I much regret that I have been unable to take the Oath as a Member of Elections and Qualifications Committee; and as I cannot do so during the ensuing week, I reluctantly tender you my resignation as a Member of that Committee, with a view to saving inconvenience, as pointed out by Mr. Lee.

“ Yours truly,

“ ROBT. GEO. D. FITZGERALD.”

(2.) Mr. Speaker then, pursuant to the requirement of the Electoral Act of 1880, laid upon the Table his Warrant appointing Joseph Palmer Abbott, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“ By the Honorable the Speaker of the Legislative Assembly

“ of New South Wales.

“ PURSUANT to the power in that behalf vested in me, as Speaker of the Legislative Assembly of New South Wales, by the Electoral Act of 1880, I do hereby appoint—

“ Joseph Palmer Abbott, Esquire,

“ being a Member of the said Assembly, to be a Member of the Committee of Elections and Qualifications in the said Act referred to, during the present Session of the Assembly aforesaid, “ in the room of Robert George Dundas Fitzgerald, Esquire, resigned.

“ Given under my hand, at the Legislative Assembly Chamber, Macquarie-street, Sydney,
“ this thirtieth day of April, in the year of our Lord one thousand eight hundred and
“ eighty-nine.

“ JAMES HENRY YOUNG,
“ Speaker.”

VOTES No. 22. WEDNESDAY, 8 MAY, 1889.

1. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

* * * * *

(1.) *Maturity of Warrant reported* :—Mr. Speaker reported that his Warrant, laid upon the Table on the 30th April last, appointing Joseph Palmer Abbott, Esquire, to be a Member of the Committee of Elections and Qualifications for the present Session, not having been disapproved by the Assembly in the course of the three next sitting-days on which the Assembly met for the despatch of business, had now taken effect; and intimated that it was therefore open to Mr. Abbott to be sworn at the Table by the Clerk, in accordance with the 59th section of the Electoral Act of 1880.

(2.) *Member Sworn* :—Joseph Palmer Abbott, Esquire, came to the Table, and was sworn by the Clerk as a Member of the Committee.

VOTES No. 58. FRIDAY, 12 JULY, 1889.

5. ELECTION PETITION (*Redfern*) :—Mr. Speaker laid upon the Table an Election Petition, which had been addressed to him from George Anderson, of Waterloo, wool-washer and merchant, a person claiming to have had a right to be returned as a Member of the Legislative Assembly for the Electoral District of Redfern, and a candidate for such election, alleging that, in pursuance of the Writ, dated 28th June, 1889, a meeting of the Electors of Redfern was held, at which William F. Schey and Petitioner were duly nominated as candidates; that at such nomination a ballot was demanded by Petitioner, which duly took place on Monday, 8th July; that the said Writ has been returned, endorsed with the return of the said William F. Schey to serve as a Member for the said Electoral District; that Petitioner is advised and believes that the said William F. Schey is unduly elected, and that Petitioner should be declared elected, or a new election ordered, on the grounds :—(a) That the provisions of the Electoral Act were disregarded at the Polling-booth, New Masonic Hall, Sydney, in respect of several officials assisting in taking the poll there, who were appointed whilst the polling was actually going on, which resulted in Petitioner being deprived of certain of his just rights under the said Act; (b) That ballot-papers were improperly introduced into the ballot-box during the course of the polling, and that, in instances, voters received or acquired more than one ballot-paper, and deposited them in the ballot-box; (c) That votes were recorded by voters twice over; (d) That certain votes recorded were not the votes of the persons entitled to record the same; (e) That certain votes were rejected as informal which should count as votes to Petitioner; (f) That undue influence was used by certain of the Presiding Officers and Poll Clerks to induce electors to vote in favour of the said William F. Schey; (g) That the votes have not been correctly counted; (h) And that otherwise the Election was irregularly conducted; and praying that the said William F. Schey may be declared to be unduly elected, and that Petitioner may be declared elected, or that a new election may be ordered to take place.

Ordered, on motion of Mr. Brunker, that the Petition be referred to the Committee of Elections and Qualifications; and that the Committee having adjourned *sine die*, the Chairman be empowered to summon the Committee, and fix the time and place for meeting.

VOTES No. 76. WEDNESDAY, 14 AUGUST, 1889.

2. COMMITTEE OF ELECTIONS AND QUALIFICATIONS :—

- (1.) *Election Petition—Anderson v. Schey—Redfern* :—Mr. J. P. Abbott, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, and Appendix handed in to, the Committee of Elections and Qualifications, to whom was referred, on 13th July, 1889, a.m., the Petition of George Anderson against the return of William Francis Schey as a Member for the Electoral District of Redfern.

And the said Report was read at length by the Clerk, by direction of Mr. Speaker, as follows :—

"The Committee of Elections and Qualifications, duly appointed on 1st March, 1889, to whom was referred on 13th July, 1889, a.m., a Petition from George Anderson, of Waterloo, wool-washer and merchant, a person claiming to have had a right to be returned as a Member of the Legislative Assembly for the Electoral District of Redfern, and a candidate for such election, alleging that, in pursuance of the Writ dated 28th June, 1889, a meeting of the Electors of Redfern was held, at which William F. Schey and Petitioner were duly nominated as candidates; that at such nomination a ballot was demanded by Petitioner, which duly took place on Monday, 8th July; that the said Writ has been returned, endorsed with the return of the said William F. Schey to serve as a Member for the said Electoral District; that Petitioner is advised and believes that the said William F. Schey is unduly elected, and that Petitioner should be declared elected, or a new election ordered, on the grounds :—(a) That the provisions of the Electoral Act were disregarded at the Polling-booth, New Masonic Hall, Sydney, in respect of several officials assisting in taking the poll there, who were appointed whilst the polling was actually going on, which resulted in Petitioner being deprived of certain of his just rights under the said Act; (b) That ballot-papers were improperly introduced into the ballot-box during the course of the polling, and that, in instances, voters received or acquired more than one ballot-paper, and deposited them in the ballot-box; (c) That votes were recorded by voters twice over; (d) That certain votes recorded were not the votes of the persons entitled to record the same; (e) That certain votes were rejected as informal which should count as votes to Petitioner; (f) That undue influence was used by certain of the Presiding Officers and Poll Clerks to induce electors to vote in favour of the said William F. Schey; (g) That the votes have not been correctly counted; (h) And that otherwise the Election was irregularly conducted; and praying that the said William F. Schey may be declared to be unduly elected, and that Petitioner may be declared elected, or that a new election may be ordered to take place,—have determined and do hereby declare :—

"(1.) That William Francis Schey, the sitting Member, was duly elected as a Member for Redfern.

"(2.) That the Petition is not frivolous nor vexatious.

"(3.) That the sum of £1 18s. 9d. out of the sum of £100 already lodged by the Petitioner be awarded as witnesses expenses.

"No. 3 Committee Room,

"Legislative Assembly, 14th August, 1889.

"J. P. ABBOTT,

"Chairman."

Ordered, on motion of Mr. Abbott, that the Report and Minutes of Proceedings and Evidence, together with Appendix, be printed.

- (2.) *Adjournment of the Committee* :—Mr. Abbott moved, That the Committee of Elections and Qualifications have leave to adjourn *sine die*, the matters referred to them having been disposed of. Question put and passed.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTION PETITION—ANDERSON *v.* SCHEY—REDFERN.

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, duly appointed on 1st March, 1889, to whom was referred, on 13th July, 1889, a.m., a Petition from George Anderson, of Waterloo, wool-washer and merchant, a person claiming to have had a right to be returned as a Member of the Legislative Assembly for the Electoral District of Redfern, and a candidate for such election, alleging that, in pursuance of the Writ, dated 28th June, 1889, a meeting of the Electors of Redfern was held, at which William F. Schey and Petitioner were duly nominated as candidates; that at such nomination a ballot was demanded by Petitioner, which duly took place on Monday, 8th July; that the said Writ has been returned, endorsed with the return of the said William F. Schey to serve as a Member for the said Electoral District; that Petitioner is advised and believes that the said William F. Schey is unduly elected, and that Petitioner should be declared elected, or a new election ordered, on the grounds:—(a) That the provisions of the Electoral Act were disregarded at the polling booth, New Masonic Hall, Sydney, in respect of several officials assisting in taking the poll there, who were appointed whilst the polling was actually going on, which resulted in Petitioner being deprived of certain of his just rights under the said Act; (b) That ballot-papers were improperly introduced into the ballot-box during the course of the polling, and that, in instances, voters received or acquired more than one ballot-paper, and deposited them in the ballot-box; (c) That votes were recorded by voters twice over; (d) That certain votes recorded were not the votes of the persons entitled to record the same; (e) That certain votes were rejected as informal which should count as votes to Petitioner; (f) That undue influence was used by certain of the Presiding Officers and Poll Clerks to induce electors to vote in favour of the said William F. Schey; (g) That the votes have not been correctly counted; (h) And that otherwise the Election was irregularly conducted; and praying that the said William F. Schey may be declared to be unduly elected, and that Petitioner may be declared elected, or that a new election may be ordered to take place,—have determined and do hereby declare:—

1. That William Francis Schey, the Sitting Member, was duly elected as a Member for Redfern.
2. That the Petition is not frivolous nor vexatious.
3. That the sum of £1 18s. 9d. out of the sum of £100 already lodged by the Petitioner be awarded as witnesses expenses.

J. P. ABBOTT,

Chairman.

No. 3 Committee Room,
Legislative Assembly,
 14th August, 1889.

1889.

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

In the matter of the Election Petition, which had been addressed to the Honorable the Speaker of the Legislative Assembly, by George Anderson, of Waterloo, wool-washer and merchant, a person claiming to have had a right to be returned as a Member of the Legislative Assembly for the Electoral District of Redfern, and a candidate for such election, alleging that, in pursuance of the Writ, dated 28 June, 1889, a meeting of the Electors of Redfern was held, at which William F. Schey and Petitioner were duly nominated as candidates; that at such nomination a ballot was demanded by Petitioner, which duly took place on Monday, 8 July; that the said Writ has been returned, endorsed with the return of the said William F. Schey to serve as a Member for the said Electoral District; that Petitioner is advised and believes that the said William F. Schey is unduly elected, and that Petitioner should be declared elected, or a new election ordered, on the grounds:—(a) That the provisions of the Electoral Act were disregarded at the Polling-booth, New Masonic Hall, Sydney, in respect of several officials assisting in taking the poll there, who were appointed whilst the polling was actually going on, which resulted in Petitioner being deprived of certain of his just rights under the said Act; (b) That ballot-papers were improperly introduced into the ballot-box during the course of the polling, and that, in instances, voters received or acquired more than one ballot-paper, and deposited them in the ballot-box; (c) That votes were recorded by voters twice over; (d) That certain votes recorded were not the votes of the persons entitled to record the same; (e) That certain votes were rejected as informal which should count as votes to Petitioner; (f) That undue influence was used by certain of the Presiding Officers and Poll Clerks to induce electors to vote in favour of the said William F. Schey; (g) That the votes have not been correctly counted; (h) And that otherwise the Election was irregularly conducted; and praying that the said William F. Schey may be declared to be unduly elected, and that Petitioner may be declared elected, or that a new election may be ordered to take place.

THURSDAY, 18 JULY, 1889.

MEMBERS PRESENT:—

Mr. Lee in the Chair.

Mr. J. P. Abbott,
Mr. Street,

Mr. Hayes.

Mr. Frank Smith,
Mr. Ryrie,

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the entry from the Votes and Proceedings by which the Petition of George Anderson, was referred to the Committee. [Vide Extract, page 5.]
2. The Clerk then, by direction of the Chairman, read the Petition of George Anderson (together with the accompanying Bank deposit-receipt) so referred to the Committee, as follows:—

Rose Valley, Waterloo, Sydney, 11th July, 1889.

To the Honorable the Speaker of the Legislative Assembly.

The humble Petition of George Anderson, of Waterloo, wool-washer and merchant, a person claiming to have had a right to be returned as a Member of the Legislative Assembly for the Electoral District of Redfern, and a candidate for such election, —

SHOWETH:—

1. That a Writ was issued by the Honorable the Speaker on the twenty-eighth day of June, 1889, for the election of a Member to serve in the Assembly for the Electoral District of Redfern, in the place of the late John Sutherland, deceased.
2. That in pursuance of such Writ, a meeting of the electors of Redfern was held at Redfern on the fourth day of July, 1889, at which William F. Schey, of Redfern, and your Petitioner were duly nominated as candidates for the said election.
3. That at such nomination a ballot was demanded by your Petitioner and duly took place on Monday, the eighth day of July.
4. That the said Writ of Election has been returned to the Honorable the Speaker, having endorsed thereon the return of the said William F. Schey as the person elected thereunder to serve as Member of the Legislative Assembly for the Electoral District of Redfern.
5. That your Petitioner states that he is advised and believes that the said William F. Schey is unduly elected, and that your Petitioner should be declared elected or a new election ordered, upon the following grounds:—
 - (a.) That the provisions of the Electoral Act were disregarded at the polling-booth, New Masonic Hall, Sydney, in respect of several officials assisting in taking the Poll there who were appointed whilst the polling was actually going on, which resulted in your Petitioner being deprived of certain of his just rights under the said Act.
 - (b.) That ballot-papers were improperly introduced into the ballot-box during the course of the polling, and that in instances voters received or acquired more than one ballot-paper and deposited them in the ballot-box.
 - (c.) That votes were recorded by voters twice over.
 - (d.) That certain votes recorded were not the votes of the persons entitled to record the same.
 - (e.) That certain votes were rejected as informal which should count as votes to your Petitioner.
 - (f.) That undue influence was used by certain of the Presiding Officers and Poll Clerks to induce electors to vote in favour of the said William F. Schey.
 - (g.) That the votes have not been correctly counted.
 - (h.) And that otherwise the election was irregularly conducted.

6. That your Petitioner has deposited the sum of one hundred pounds (£100) in the Australian Joint Stock Bank to the credit of the Speaker, as required by law, and a deposit receipt therefor is hereunto annexed. Your Petitioner humbly prays that the said William F. Schey may be declared to be unduly elected as a Member to serve in the said Assembly, and that your Petitioner may be declared elected as such Member, or that a new election may be ordered to take place.

And your Petitioner, as in duty bound, will ever pray, &c.
Dated this eleventh day of July, A.D. 1889.

GEO. ANDERSON.

Redfern, 11th July, 1889.

Duplicate.—ROBT. BLENCOWE, Acct.
PAID into the Australian Joint Stock Bank the sum of one hundred pounds, to be placed to the credit of the Speaker of the Legislative Assembly of New South Wales, J. H. Young, by
GEO. ANDERSON.
£100.

3. The Chairman submitted a letter from the Honorable the Speaker, enclosing a certified copy of a letter from William F. Schey, Esquire, giving notice of his intention to oppose the Petition, and praying to be admitted as a party to the reference, which he read, as follows:—

“ Legislative Assembly Chambers,
Sydney, 16 July, 1889.

“ To the Committee of Elections and Qualifications,—

“ Gentlemen,

“ I have the honor to transmit to you herewith a copy of a letter which has been received by me from William F. Schey, Esquire, one of the Sitting Members for Redfern, giving notice of his intention to defend his return, against which a Petition is now under your consideration.

“ I have, &c.,

“ JAMES HENRY YOUNG,
“ Speaker.”

[Enclosure.]

Sir,

Referring to the Petition of George Anderson, which was referred to the Elections and Qualifications Committee on the 13th July a.m. instant, I have the honor to request, that I may be admitted as a party to the reference, and be allowed to defend my Seat before the Committee.

I have, &c.,

WM. F. SCHEY.

A true copy.—J. H. YOUNG.

4. Parties called in.

Present :—George Anderson, Esquire (*the Petitioner*).

W. E. Hawkins, Esquire (*Solicitor for the Petitioner*).

William F. Schey, Esquire (*the Sitting Member*).

M. A. Williamson, Esquire (*Solicitor for the Sitting Member*).

5. Frederick William Webb, Esquire, Clerk of the Legislative Assembly, called in, sworn, and examined. Witness produced the Writ of Election certifying to the return of William Francis Schey, as a Member for Redfern.

Witness also produced a parcel of ballot-papers as received from the Returning Officer for Redfern. Witness withdrew.

6. George Anderson Esquire, the Petitioner, sworn, and examined.

7. Mr. George Court Buteridge, Scrutineer, Alexandria, called in, sworn, and examined.

Witness produced Roll used by him at the election.

Witness withdrew.

8. Mr. John William Watkins, Scrutineer, Alexandria, called in, sworn, and examined.

Witness produced Roll used by him at the election, also tally-paper of the Votes recorded.

Witness withdrew.

9. Mr. George Court Buteridge recalled and further examined.

Witness withdrew.

10. Senior-Sergeant Joseph Bradwell called in, sworn, and examined.

Witness withdrew.

11. Mr. Hawkins, on behalf of the Petitioner, applied for an adjournment in order that Counsel may be instructed to appear for the Petitioner.

12. Room cleared and Committee deliberated and decided to adjourn to Thursday next at 10 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY, 25 JULY, 1889.

Mr. Lee in the Chair.

Mr. J. P. Abbott,
Mr. Ryrie,

Mr. Hayes.

Mr. Frank Smith,
Mr. Street,

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. The Clerk, by direction of the Chairman, read a letter from Augustus Vialoux requesting to be allowed to attend and report the evidence on behalf of the *Sydney Daily Telegraph*. Committee deliberated and decided to refuse the request.

3. Parties called in.

Present:—George Anderson, Esquire (*the Petitioner*).

Bernard Ringrose Wise, Esquire (*Counsel for the Petitioner*).

W. E. Hawkins, Esquire (*Solicitor for the Petitioner*).

William Francis Schey, Esquire (*the Sitting Member*).

M. A. Williamson, Esquire (*Solicitor for the Sitting Member*).

4. Mr. Wise addressed the Committee and applied for summonses for the following witnesses which were granted by the Committee:—John Roland Dacey, Returning Officer; Thomas Alderson, George Barnard, Kelson Vaughan, Senior-sergeant Bradwell, Alderman Rolfe, Alderman William Marr, C. S. Jones, Sydney Newton, Andrew Collie, and Thomas Spencer.

5. Henry William Bradford, Scrutineer, Masonic Hall, called in, sworn, and examined.

Witness produced Roll used by him at the late election.

Witness withdrew.

6. Edwin Berry called in, sworn, and examined.

Witness withdrew.

7. Edward Pulsford called in, sworn, and examined.

Witness withdrew.

8. Constable Joseph Meyer called in, sworn, and examined.

Witness withdrew.

9. Edward Pulsford recalled and further examined.

Witness produced list of names which appear in more than one Scrutineer's list as having voted at the election, which was ordered to be appended. [See Appendix.]

Witness withdrew.

10. Parties applied to be supplied with copies of the evidence from day to day, which application was granted.

11. Room cleared.

Committee deliberated and adjourned to To-morrow at 10 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

FRIDAY, 26 JULY, 1889.

MEMBERS PRESENT:—

Mr. Lee in the Chair.

Mr. Ryrie, Mr. Frank Smith,	Mr. Street, Mr. Hayes.
--------------------------------	---------------------------

In attendance,—

The Second Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.

2. Parties called in.

Present:—George Anderson, Esquire (*the Petitioner*).

B. R. Wise, Esquire (*Counsel for the Petitioner*).

W. E. Hawkins, Esquire (*Solicitor for the Petitioner*).

William Francis Schey, Esquire (*the Sitting Member*).

M. A. Williamson, Esquire (*Solicitor for the Sitting Member*).

3. Sydney Newton called in, sworn, and examined.

Witness withdrew.

4. George Anderson, recalled and further examined.

5. Mr. Wise called attention to the printed Appendix of Mr. Pulsford's evidence which had been handed in on 25 July, and requested that the heading "Double Votes, Redfern Election, 8 July," might be altered to "Names of Voters appearing—on the Rolls of more than one of Mr. Anderson's Scrutineers—as having voted," and Clerk directed to make the alteration.

6. Alfred George Mihell, outside Poll Clerk, Masonic Hall, called in, sworn, and examined.

Witness withdrew.

7. Senior-sergeant Bradwell recalled and further examined.

Witness withdrew.

8. Andrew Collie called in, sworn, and examined.

Witness withdrew.

9. John Bonynge Taylor, a Scrutineer, called in, sworn, and examined.

Witness withdrew.

10. William John Ogilsby, a Scrutineer, called in, sworn, and examined.

Witness withdrew.

11. Alfred George Mihell recalled and further examined.

Witness withdrew.

12. John Rowland Dacey, Returning Officer, called in, sworn, and examined.

Witness withdrew.

13. Kelson Vaughan, Council Clerk, Alexandria, called in, sworn, and examined.

Witness withdrew.

14. Mr. Wise addressed the Committee.

15. Room cleared.

16. Ordered,—That George Bernard, G. F. Cook, and Thomas Alderson, be summoned to give evidence next meeting.

Committee adjourned to Thursday next at 10 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY,

THURSDAY, 1 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Lee in the Chair.

Mr. J. P. Abbott, Mr. Frank Smith,	Mr. Ryrie, Mr. Hayes, Mr. Street.
---------------------------------------	---

In attendance,—

The Second Clerk Assistant.

1. The Clerk by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
2. Parties called in.
Present:— George Anderson, Esq. (*the Petitioner*).
B. R. Wise, (*Counsel for the Petitioner*).
W. E. Hawkins, Esq. (*Solicitor for the Petitioner*).
William Francis Schey, Esq. (*The Sitting Member*).
M. A. Williamson, Esq. (*Solicitor for the Sitting Member*).
3. Chairman, referring to the fact that representatives of the press were present, with a view of reporting the proceedings of the Committee, stated that although the Committee was being conducted as an open Court, the Committee had decided that the evidence should not be published until it was reported to the House, and reminded the strangers present of that decision, and requested that an assurance might be given that the evidence should not be published. A representative of the press refusing to give such assurance, room cleared and Committee deliberated, and decided that the evidence must be allowed to be taken, but that a request should again be made that the evidence should not be printed until presented to the House.
4. Parties called in, and request that the evidence should not be published again made to the strangers present.
5. G. F. Cook, Presiding Officer, Sydney, called in, sworn, and examined.
Witness withdrew.
6. Thomas Alderson, Presiding Officer, Sydney, called in, sworn, and examined.
Witness withdrew.
7. George Barnard, a Scrutineer, called in, sworn, and examined.
Witness withdrew.
8. Henry Silburn called in, sworn, and examined.
Witness withdrew.
9. Committee, after having deliberated as to the mode of conducting the scrutiny of the ballot-papers and Electoral Rolls used at the Sydney and Alexandria booths, proceeded to the scrutiny.
10. Mr. Wise requested that the Scrutineer's Electoral Lists at Alexandria be compared with the Presiding Officer's Lists, and the names of the Electors marked in the Presiding Officer's Lists and not appearing in the Scrutineer's Lists be disclosed.
11. Room cleared.
12. Committee deliberated, and decided that the Petitioners be allowed to take copies of the Official and Scrutineer's Rolls at Alexandria, Redfern, and Masonic Hall, Sydney—polling-places.
13. Parties called in and informed.
14. Committee proceeded to the further scrutiny of the ballot-papers.
Committee adjourned to To-morrow, at half-past 1 o'clock.

R. W. ROBERTSON,
Second Clerk Assistant.

FRIDAY, 2 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. J. P. Abbott, Mr. Hayes,	Mr. Ryrie, Mr. Street, Mr. R. B. Wilkinson.
---------------------------------	---

In attendance,—

The Second Clerk Assistant.

1. In the absence of the Chairman, Mr. J. P. Abbott was called to the Chair.
2. The Clerk, by direction of the Chairman, read the minutes of the previous meeting, which were confirmed.
3. Parties called in.
Present:— W. E. Hawkins, Esq. (*Solicitor for the Petitioner*).
William Francis Schey, Esq. (*the Sitting Member*).
M. A. Williamson, Esq. (*Solicitor for the Sitting Member*).
4. Committee continued the scrutiny of the Ballot Papers; and the scrutiny being concluded, the Chairman read the result, as follows:—

For Mr. Anderson	...	...	...	...	...	...	2,890
For Mr. Schey	...	...	...	...	...	...	2,911
Informal	...	...	...	...	...	...	77

Majority for Mr. Schey, 21.

Committee adjourned to Thursday next, at 2 p.m.

R. W. ROBERTSON,
Second Clerk Assistant.

THURSDAY,

THURSDAY, 8 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Ryrie, Mr. Frank Smith,	Mr. Street, Mr. R. B. Wilkinson, Mr. J. P. Abbott.
--------------------------------	--

In attendance,—

The Clerk Assistant.

1. In the absence of the Chairman, Mr. J. P. Abbott was called to the Chair.
2. Parties called in.

*Present:—W. E. Hawkins, Esq. (Solicitor for the Petitioner).
 William Francis Schey, Esq. (the Sitting Member).
 M. A. Williamson, Esq. (Solicitor for the Sitting Member).*

Committee adjourned till Wednesday next, at 1 o'clock.

RICHARD A. ARNOLD,
Clerk Assistant.

WEDNESDAY, 14 AUGUST, 1889.

MEMBERS PRESENT:—

Mr. Hayes, Mr. J. P. Abbott,	Mr. Frank Smith, Mr. Street, Mr. Ryrie.
---------------------------------	---

In attendance,—

The Second Clerk Assistant.

1. In the absence of the Chairman Mr. J. P. Abbott was called to the Chair.
2. Parties called in.

*Present:—George Anderson, Esquire (the Petitioner).
 Bernard Ringrose Wise, Esquire (Counsel for the Petitioner).
 W. E. Hawkins, Esquire (Solicitor for the Petitioner).
 William Francis Schey, Esquire (the Sitting Member).
 M. A. Williamson, Esquire (Solicitor for the Sitting Member).*

3. Mr. Williamson and Mr. Wise addressed the Committee.
4. The Clerk submitted applications made for expenses of witnesses.

Mr. Street moved,—

That the Chairman be authorized to sign a certificate for £1 18s. 9d. for witnesses expenses for G. F. Cook.

Question put and passed.

5. The Committee deliberated as to Report.

Mr. Street moved,—

That the following be the Report of the Committee:—

“ 1. That William Francis Schey, the Sitting Member, was duly elected as a Member for Redfern.
 “ 2. That the Petition is not frivolous nor vexatious.
 “ 3. That the sum of £1 18s. 9d. out of the sum of £100 already lodged by the Petitioner be awarded as witnesses' expenses.”

Question put and passed.

6. That the Chairman report to the House accordingly and move for leave to adjourn *sine die*.

R. W. ROBERTSON,
Second Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
Alderson, Thomas	43
Anderson, George	13, 24
Barnard, George	46
Berry, Edwin	18
Bradford, Henry William	16
Bradwell, Senior-Sergeant Joseph	15, 28
Buteridge, George Court	13, 15
Collie, Andrew	29
Cook, George Frederick	39
Dacey, John Roland	31
Meyer, Constable Joseph	19
Mihell, Alfred George	26, 31
Newton, Sydney	23
Ogilby, William John	30
Pulford, Edward	19, 22
Silburn, Henry	48
Taylor, John Bonynge	29
Vaughan, Kelson	37
Watkins, John William	14
Webb, Frederick William	13

COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

ELECTION PETITION—ANDERSON v. SCHEY—REDFERN.

THURSDAY, 18 JULY, 1889.

Present:—

Mr. Lee, Mr. J. P. Abbott, Mr. Street, C. A. Lee, Esq., in the Chair.	Mr. Frank Smith, Mr. Hayes, Mr. Ryrie.
--	--

Mr. Hawkins, solicitor, appeared on behalf of the Petitioner. Mr. M. A. Williamson, solicitor, appeared on behalf of the sitting Member.

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

1. *Chairman.*] Do you produce the writ that was issued for the last election for the electoral district of F. W. Webb, Redfern? I produce the writ issued on the 28th June, for the election of a Member to serve in the Legislative Assembly for the electoral district of Redfern, to fill the vacancy caused by the death of the late John Sutherland, Esq., with a certificate, under the hand of the Returning Officer, Mr. Dacey, that William Francis Schey was duly chosen as a Member for the electoral district of Redfern.
2. Do you produce the ballot-papers used at the election? I produce a box containing ballot-papers, with a certificate from the returning officer that they are the ballot-papers that were used at the election of one candidate on the 8th day of July, 1889. The box is under seal.
3. *Mr. Hawkins.*] Can you give us the date when the writ was returned? The 10th July.
4. The election took place on the 8th July? Yes; that was the polling-day.
5. When were the ballot-boxes sent in? On the 12th July.
6. That is four days after the election? Yes.
7. Can you tell us anything as to the custom in sending in the writs for metropolitan and suburban elections? A limit is fixed by the Speaker for the return of the writ in the writ itself, and the writ must be returned within that time, or if it should be returned later than that, the delay must be cured by proclamation by the Governor in the *Government Gazette*.

George Anderson, Esq., sworn and examined:—

8. *Chairman.*] Were you a candidate for Parliamentary election at the last election for the electoral district G. Anderson, of Redfern? Yes.
9. And you were defeated? Yes.
10. And did you lodge a petition with the Speaker against the return of Mr. Schey? I did.
11. Is this the petition, and is this your signature? That is the petition, and that is my signature.

18 July, 1889.

Mr. George Court Buteridge sworn and examined:—

12. *Mr. Hawkins.*] You were engaged as scrutineer by Mr. Anderson, on the 8th July, at the last Redfern election? Yes, at Alexandria.
13. You were at the second polling-booth, L to Z, at Alexandria? Yes.
14. Were the rolls issued to the polling-clerks certified before the polling began? The only mark I saw on the electoral roll was the words "poll-clerk," written on the margin.
15. *Chairman.*] After the polling, was the number of votes checked with the number of voters who actually voted—there would be a certain number of voting-papers in the ballot-box;—was the number of those papers checked with the number of votes actually recorded according to the poll-clerk's rolls? The rolls were checked by each of us, calling the names over after the polling.
16. Was the poll-clerk engaged in that at the same time? Yes, and the presiding officer.
17. What was the result? The result was that the three rolls agreed.
18. That is, the poll-clerk's roll, your roll, and the roll of the scrutineer for Mr. Schey;—were the ballot-papers counted? They were counted as they appear in that return.
19. Was there any discrepancy? It would not be possible to detect a discrepancy in that way as the papers were taken out of the box, and called out without being counted.
20. They were not counted? Not with the names on the rolls.
21. But according to the check on your list there was a certain number of votes recorded? Yes.

Mr. G. C. 22. Was there any discrepancy between the number of votes recorded according to the check made by you all and the number of papers actually in the ballot-box, or were the numbers identical? No, it was in this way: that the numbers were not counted upon the roll, but we just checked back upon the roll. The ballot-papers were taken out of the box, and put down as they appear on the return.
18 July, 1889.

23. *Chairman.*] Was the number of votes ticked off on the electoral list counted;—was it ascertained from the electoral list how many voters had voted, and did that number correspond with the number of papers in the ballot-box? No; they were not counted.
24. The voting-papers were not counted? No; they were taken out of the box and placed as you see them there. Of course they were counted as regards the number of fives.
25. And you say that your roll was checked with those of the poll-clerk and Mr. Schey's scrutineer? Yes; and the names were found to tally.
26. And are you prepared to swear to the accuracy of your roll as it is marked;—do you produce your own roll? Yes; that is my roll.
27. It is the electoral list used by you? Yes.
28. You can identify it? Yes.
29. *Mr. Hawkins.*] Do the numbers that are ticked represent the number of electors who voted? Yes. [*Electoral roll produced.*]
30. Did you see the ballot-box sealed up? No; but the papers were sealed and put into the box, and the box was locked.
31. You had no mark of your own? No.

Mr. John William Watkins sworn and examined:—

- Mr. J. W. Watkins.** 32. *Mr. Hawkins.*] You were scrutineer for Mr. Anderson at the Alexandria polling-booth A to K on Monday, the 8th July? Yes.
- 18 July, 1889.** 33. Can you say whether, after the polling, the number of votes declared was checked with the number of voters who actually voted;—did you check your list with the list of Mr. Schey's scrutineer, and also that of the presiding officer? No.
34. Was there no check made at all? Each one checked off as the ballot-papers were issued.
 35. Was not there a check made afterwards? No.
 36. *Chairman.*] Do you produce the electoral list used by you on that occasion? Yes; that is the one I used. [*Electoral list produced.*]
 37. *Mr. Hawkins.*] Did you mark off on that list every vote as it was recorded from the letters A to K? Yes.
 38. And you can swear to the accuracy of your roll? Yes; there is one name there where I made a mistake in crossing the name out, and I have written the word "mistake" opposite to it.
 39. Were you present when the ballot-box was sealed up? No; I was not.
 40. Will you tell us what is the number of votes actually recorded according to your roll, as checked with the others? I could not say for certain; I put it down on the tally-paper, and I did make a record on the card, but I believe I left it in the Committee-room.
 41. You kept a tally-paper? Yes.
 42. Can you identify it now? Yes.
 43. And if you saw the roll of papers which you had could you tell the number of votes recorded? Yes.
 44. Is this your tally-paper, made at the time of the voting? Yes. [*Tally-paper produced.*]
 45. Can you tell us the number of votes recorded according to your check? 160 for Mr. Anderson and 182 for Mr. Schey, with three informal votes.
 46. Can you tell us how many names were marked off on the roll? I could not without going over it.
 47. Can you do that and give us the exact number marked off on the roll? Yes.
 48. *Mr. J. P. Abbott.*] Will you swear that your tally is a correct tally of the votes recorded that day? It was a correct tally with the others at the time.
 49. Will you swear that your tally is a correct record of the number of voting-papers applied for that day at the booth where you were? Yes, according to the presiding officer.
 50. *Mr. Frank Smith.*] You mean as read out by the presiding officer? Yes.
 51. You do not know anything about the papers received by the presiding officer—you do not know how many he received? He told me that he had 700.
 52. Do you know how many were left after the polling was over? I do not know without seeing the returns.
 53. Do you know how many unused papers there were? No.
 54. *Mr. Hawkins.*] Were the unused papers counted? We did not count the hundreds; they were given to us in packages of 100 each. We counted the odd ones and then counted the hundreds.
 55. *Mr. J. P. Abbott.*] You assumed that there were 100 in the packages? Yes.
 56. *Mr. Hawkins.*] How many were there then, counting in that way? I do not know.
 57. *Mr. Frank Smith.*] Was anything said in your hearing by the presiding officer about the number of ballot-papers that were left? He counted the odd ones before us.
 58. Were the ballot-papers counted and checked with the votes marked off? No, they were not, because during one or two rushes they had not been kept in the proper boxes. We endeavoured to do so as well as we could, but when a rush came we were not sure whether the papers were put in the A to K box or the L to Z box.
 59. *Mr. J. P. Abbott.*] Were the two boxes in the same room? Yes, and on the same table—one at each end.
 60. And any paper which you issued might go in the other box? Yes, the same with both boxes.
 61. *Chairman.*] In point of fact after the voters received their papers they could put them into either of the two boxes? Yes.
 62. That is, the papers issued by the presiding officer from L to Z might be deposited in the box A to K, and vice versa? Yes, we endeavoured to keep them separate as well as we could, but during one or two rushes we were not sure about the papers, and I know that in several cases they went into the wrong box.
 63. *Mr. Hawkins.*] You can make out the numbers from your roll;—now will you do that? Yes.

64. *Mr. J. P. Abbott.*] You cannot say that the roll is exactly what it was when it left your hands? No.
65. Look at it. You cannot say that you made all the erasures that appear there? No; I would not swear that the roll is as I left it.

*Mr. J. W.
Watkins.*

18 July, 1889.

66. *Mr. Hawkins.*] If you went through the roll could you then remember what was the number made by you on the day of the election. I have a way of proving whether it would be right or wrong. On that day I kept a note of each vote as it was recorded, and I tallied one with the other to see if they agreed or not after going over my roll.

67. *Mr. Williamson.*] After the poll closed to whom did you deliver this tally-sheet? To Mr. Taylor, secretary for Mr. Anderson, at the committee-rooms, Redfern-street.

68. That was after the poll was declared? No; before the poll was declared.

69. Have you since the day on which you handed it to Mr. Anderson's secretary seen it? No; not until now.

70. Has Mr. Taylor, or any member of Mr. Anderson's committee, spoken to you about the tally since you handed it over? They told me that it had been sent away.

71. *Mr. Hawkins.*] Can you swear that that tally was the same as when it left your hands? The figures are the same.

Mr. Buteridge recalled and further examined:—

72. *Mr. Hawkins.*] This tally appears to have been taken twice;—can you explain the reason? That took place after the votes were counted. Mr. Schey's representative asked us to count the votes—he thought there was a slight mistake in the two, and we did recount and the result of the votes shows that there was a difference of two.

*Mr.
Buteridge.*

18 July, 1889.

73. *Chairman.*] You recognise that tally as the one kept by you? Yes.

74. *Mr. Hawkins.*] You say there was some error? Yes; the two tallies did not agree at the time. The scrutineers were asked to recount, and we thought that there might have been a mistake.

Senior-Sergeant Joseph Bradwell called in, sworn, and examined:—

75. *Chairman.*] What are you? Senior-Sergeant of Police stationed at Redfern.

*Sen.-Serg. J.
Bradwell.*

18 July, 1889.

76. *Mr. Hawkins.*] Were you in any of the booths at the time when the voting was going on? I was. I was detailed for duty at the New Masonic Hall in Sydney on that day.

77. Did you notice how the election was being conducted? I noticed a good deal.

78. Were you inside or outside of the room? I was inside, accompanied by Senior-Constable Joseph Meyer in plain clothes, and a constable from the Central Police Station named Griffiths. Meyer and I were principally about the floor of the hall where the voting was going on.

79. Did you notice whether any more than one paper was given to each vote? I did not notice any more than one.

80. Did you notice in any instance more papers than one rolled up together? Yes.

81. When was that? At the counting of the votes.

82. How many papers were there? Three.

83. All rolled up together? Yes.

84. As if they had been put in together? Yes. I did not actually see the papers come out of the box. The presiding officer took them up from the table. There was some pause in turning them over, and he passed them on to George Barnard sitting on his left, and Barnard passed them on to Mr. Alderson, who straightened them out and put them on the heap of papers waiting to be counted. I noticed that Alderson's name was struck out, and on the back the papers were initialled by Mr. Alderson.

85. *Mr. J. P. Abbott.*] Was Mr. Alderson the presiding officer? He was appointed between 1 and 2 o'clock. During the dinner-hour voting was very brisk there. A great many people came to vote between 1 and 2 o'clock and they had not sufficient accommodation. The deputy returning officer, Mr. Vaughan, appointed Mr. Alderson and another person to assist in issuing the papers.

86. *Mr. Hawkins.*] At what time did this take place? From half-past 1 to 20 minutes to 2.

87. *Mr. J. P. Abbott.*] Who was the presiding officer there? A gentleman named Cook. I noticed on several occasions that when Mr. Alderson initialled the papers Barnard issued them to the electors—he passed them over to the gentlemen about to vote.

88. *Mr. Hayes.*] Was Barnard a poll-clerk? I don't know what you call him.

89. *Mr. Hawkins.*] Mr. Barnard was one of those appointed, was he not? Yes.

90. *Mr. Street.*] Where was Mr. Cook at the time you say the papers were initialled by Mr. Barnard and Mr. Alderson? He was at the table, and Alderson and Barnard came to the table and assisted in issuing the ballot-papers. I may state upon my own knowledge that in the morning Barnard and Alderson were canvassing outside for Mr. Schey. Mr. Alderson had the ticket in his hat for some time after he went to the table.

91. *Chairman.*] And he acted as presiding officer? Yes.

92. And Mr. Barnard? I cannot say what capacity he acted in.

93. *Mr. Hayes.*] Who initialled the papers? Mr. Alderson.

94. *Chairman.*] Do you know whether Mr. Alderson was appointed presiding officer or poll-clerk? Presiding officer I believe.

95. Do you know it for a fact? He initialled the papers.

96. *Mr. Hawkins.*] You actually saw him initialling the papers? Yes.

97. And at that time he had Schey's card in his hat? Yes.

98. You say that there were certain officials appointed between 1 and 2 o'clock? Yes.

99. And do you know who was the presiding officer there? Originally it was Mr. Cook.

100. Who was the poll-clerk? Mr. Hannigan was the presiding officer's poll-clerk, and Mr. Mihell was a poll-clerk issuing the numbers.

101. *Mr. Hawkins.*] You say that others were appointed between 1 and 2 o'clock;—did you see any communication between them and the presiding officer? No, they were all sitting at one table.

102. He commenced to act between 1 and 2 o'clock? Yes.

103. Have you seen him do anything there in any other capacity? I saw him outside.

104. What, with the names? Mr. Alderson and George Barnard.

105.

- Sen.-Sergt. J. Bradwell.** 105. You say that both were canvassing during the morning for Mr. Schey, and afterwards acting as officials inside? Yes.
106. Did you see Mr. Schey's tickets in their hats afterwards? I only refer to one.
- 18 July, 1889. 107. Who was that? Mr. Alderson.
108. Did he afterwards take the ticket out of his hat? He did.
109. Was anything said to him? Mr. Vaughan went up and spoke to him.
110. *Mr. Williamson.*] Were you stationed inside the whole of the time? No.
111. During the day you repeatedly came outside did you not? I came out and was about the door.
112. I suppose you stood there conversing with people? No doubt I had conversations during the day with people when I was rendering assistance at the various tables.
113. There were only two tables, were there? Only two.
114. You continued to go backward and forward all the time? Yes.
115. *Mr. Hayes.*] You say that you saw three ballot-papers folded up together;—was it possible that those three would get together in the ordinary way, one being pushed inside the other? I should say that it was impossible.
116. Do you think that one could get into another? No, they could not have fallen into the folds of each other as I saw them.
117. *Mr. J. P. Abbott.*] How many of them did you see in that state? Only the three; I drew the attention of Senior-constable Meyer to it.
118. Did you see them taken out of the ballot-box? No.
119. How many hands had they passed through when you saw them in that state? It was afterwards that I saw them. They came from Barnard to Alderson.
120. *Mr. Hayes.*] Do you say that you drew the attention of some one to them? Yes; the attention of Senior-constable Meyer.
121. But any of the officials. Did the returning officer, or any of the poll-clerks notice them? I saw Mr. Alderson, and he coloured up considerably.
122. Were the scrutineers, poll-clerks, and the presiding officers sitting together? Yes.
123. Did you see any of those officials taking any notice? They were passed to Barnard; he straightened them out and passed them to Alderson, and he straightened them out and put them out to be counted.
124. And the scrutineers were there? Yes, but they were engaged.
125. *Mr. Frank Smith.*] Did you say that Mr. Alderson coloured up? Yes.
126. *Mr. J. P. Abbott.*] It was a shock for him to see that, I suppose? I cleared out.
127. You did not vote for Mr. Anderson that day, did you? Unfortunately I have no vote at all.
128. *Mr. Williamson.*] Do you know Alderman Berry, of Redfern? I do.
129. Do you remember him making application for a seat at the voting-table? No; I do not.
130. Were you not present when he did it? I heard that he did so.
131. *Chairman.*] Did you hear him? No.

THURSDAY, 25 JULY, 1889.

Present:—

Mr. J. P. Abbott,
Mr. Hayes,
Mr. Lee,

Mr. Ryrie,
Mr. Frank Smith,
Mr. Street.

C. A. Lee, Esq., in the Chair.

Mr. B. R. Wise, instructed by Messrs. Carruthers and Hawkins, appeared for the Petitioner.
Mr. M. A. Williamson, Solicitor, appeared for the sitting Member.

Henry William Bradford sworn and examined:—

- Mr. H. W. Bradford.** 132. *Mr. Wise.*] On the day of the Redfern election you were acting as scrutineer for Mr. Anderson at the New Masonic Hall? Yes.
- 25 July, 1889. 133. You were duly appointed and signed the declaration in proper form? I did.
134. Who was the presiding officer at that booth, or acting presiding officer? I do not know his name.
135. Have you since learnt his name;—is it Vaughan? I do not know his name.
136. Do you remember between 1 and half-past 1 there being a great rush of voters? Yes.
137. Was the rush so great that they could not all be attended to? Not immediately.
138. In consequence of that did you see the presiding officer do anything? No.
139. Did you see Mr. Thomas Alderson shortly after that doing anything? Yes.
140. What was he doing? He was acting as presiding officer.
141. *Chairman.*] By whom was he appointed? By Mr. Vaughan I believe.
142. *Mr. Wise.*] Who was Mr. Vaughan? I do not know any more than that I was told that he was the deputy returning officer.
143. Did you see Mr. Alderson receive any document in writing appointing him? No, I did not.
144. What did he do—how did he act? He took my place at the table, pushed me aside, and gave out the ballot-papers.
145. Had he a separate box put in front of him? Not at that time.
146. Had he any electoral roll given to him? Yes.
147. Was that electoral roll when it was given to him a clean roll? Yes.
148. That is to say, the names of those who had already voted were not struck off? No. I saw the pages as they were turned over.
149. This was about half-past 1? Twenty minutes to 2.
150. How long was Mr. Alderson giving out the ballot-papers before any ballot-box was brought in to him? About an hour.
151. At the expiration of that time was a separate box placed in front of him? Another ballot-box was placed on the table.
152. Was that box under his control? It was used by both presiding officers.

Mr. H. W.
Bradford.

25 July, 1889

153. Was anybody acting as poll-clerk for Mr. Alderson? Yes; I do not know his name.
154. Did you afterwards learn that his name was Barnard? I have been told so.
155. Did you see a man named Mr. Berry in the room? Yes.
156. Did you hear him make any application to the presiding officer? I heard him say to Mr. Vaughan that the thing was illegal.
157. *Mr. J. P. Abbott.*] What thing? Appointing a second presiding officer.
158. *Mr. Wise.*] Did you hear anything said about a scrutineer for Mr. Anderson? I did not.
159. Was any person acting as scrutineer for Mr. Anderson with a box in front of him? Only myself.
160. You had the two to manage? Yes.
161. Were you able to do your duty properly in looking after the two boxes? No.
162. Why not? The people were voting too fast for me.
163. Could you keep any check or make any proper scrutiny of the voters as they came in? At one time I could not—at the beginning when there was a rush.
164. Did you apply for any assistance? No; I had no one to apply to.
165. Did you make any protest against the appointment of Mr. Alderson—before Mr. Alderson and Mr. Barnard were acting in this way had you seen them take any active part in the election? I had not.
166. Did you notice whether Mr. Alderson had anything in his hat while acting in this way? Yes; he had a card.
167. What card? Mr. Schey's card.
168. *Chairman.*] His visiting card? No; a card asking electors to vote for Schey.
169. *Mr. Wise.*] Did he retain that in his hat while he was acting as presiding officer? Yes.
170. Had Mr. Barnard any card? No.
171. After Mr. Alderson had been appointed did you see him leave the room? Once he left the room.
172. I mean going outside to where the public were? He went out towards the street.
173. Will you tell the Committee exactly what was done with the ballot-papers that Mr. Alderson had. Suppose a voter came and asked him for a vote, what would happen? Mr. Barnard would take his ticket and if it was correct Mr. Alderson would hand him a voting-paper.
174. Was there anything to prevent Mr. Alderson handing more than one voting-paper? I did not watch him to see whether he did or not.
175. Was Mr. Vaughan about sufficiently to prevent it? I did not see him.
176. Was there anything to prevent Mr. Barnard from taking more papers than one? He could have taken them if he liked, but I did not see him take any.
177. Did you see Mr. Alderson initial any ballot-papers? Yes.
178. Were you acting as scrutineer the whole time? Yes.
179. And did you keep as careful a check as you could? I did.
180. Have you since added up the number of votes that are marked off on your scrutineer's roll? I have not.
181. Were you present at the counting of the votes? Yes.
182. Did you see anything of any votes coming out of the ballot-box together? I did not notice them coming out together. I was busy tallying.
183. During the whole time that Mr. Alderson was acting at this second ballot-box or acting as presiding officer did any person except yourself act as scrutineer for Mr. Anderson? No.
184. *Mr. Williamson.*] You say you could not make any proper scrutiny while the two boxes were on the table? I did not say that. I said I could not make any proper scrutiny while the crowd was there.
185. *Mr. J. P. Abbott.*] You say there was a rush—did they allow more than two voters in? At one time there were 120 in the room at once.
186. *Chairman.*] Were the ballot-papers issued to those people? Yes.
187. While there were 120 there? Yes.
188. By the one presiding officer? By the one presiding officer.
189. *Mr. Williamson.*] Were you placed in a similar predicament when the two boxes were on the table? No; it was quiet then. The voting was pretty well over.
190. You know Mr. Berry very well? Yes.
191. You know that he was an ardent and staunch worker for Mr. Anderson at the election? I do not.
192. Did you hear Mr. Berry go in to the Masonic Hall and ask the presiding officer to get further assistance to enable the people to vote? I cannot say that I did.
193. Did you hear the officer-in-charge ask Mr. Berry if he would act? I did not. I did not hear the officer-in-charge, the presiding officer, make any complaint at all.
194. There was a fair number of votes polled at that booth? Yes—820.
195. At any time during the polling did you take your pen or pencil and drive the ballot-papers into the box through the opening? Never once.
196. Did you see anybody do that? Yes; the presiding officer did it.
197. By doing that one or two papers might have been interwoven with the others? Very possibly.
198. Do you know Mr. Stephen, one of the Members for Redfern? I do.
199. Did you hear him at any time at the polling at the New Masonic Hall ask that assistance be given? I did not.
200. *Chairman.*] How do you know that Mr. Alderson was appointed presiding officer? I saw Mr. Vaughan bring him to the table and give him a roll.
201. Did you see him make a declaration? I did not.
202. I presume he could have made a declaration outside? I believe it was made behind my back in the room.
203. Is Mr. Vaughan a magistrate? I do not know.
204. As a matter of fact did you see Mr. Alderson hand more than one ballot-paper to any one voter? I did not.
205. *Mr. Wise.*] Your time would be fully occupied in making the scrutiny and marking off the names of the voters as they came in? During the time of the rush it was—it was more than I could do.
206. *Mr. J. P. Abbott.*] Did you see any of the presiding officers or poll-clerks doing anything improper during the time you were present at the New Masonic Hall? I did not.
207. Did you see them interfere in any shape or form with the electors, or urge them as to the manner in which they should vote? No.

- Mr. H. W. Bradford. 208. If they had I suppose you would have seen it? Yes. I would have seen about it.
209. You saw nothing to necessitate your interference in the interests of the gentleman you were representing? No; excepting the rush.
- 25 July, 1889. 210. Well, in your opinion, was it necessary at that time to get additional assistance for the taking of the poll? Yes; it was necessary to get an additional poll-clerk.
211. So far as you could see was there any injustice done either to Mr. Anderson or to Mr. Schey by reason of the appointment of Mr. Alderson? No more than that I could have no control over watching the proceedings.
212. You had not an opportunity nor had Mr. Anderson an opportunity of appointing another scrutineer? No, there was no opportunity at all.
213. Did you intimate to Mr. Anderson or to any of his Committee the necessity of appointing another scrutineer? There was nobody in the room to apply to. I had no time when the rush came. I was obliged to keep my eyes open to see what was going on.
214. Had Mr. Schey two scrutineers? No, only one.
215. I suppose you felt that you were as good a man as he was? I think I kept the number of votes as correctly as he did.
216. Had you had experience before? Yes.
217. *Mr. Wise.*] What did you do with your scrutineer's roll? I handed it to Mr. Taylor the same evening, without having made any alterations.
218. That is to say all the marks you made were made inside the room? Yes, and the rolls were all tied up.
219. Is this your roll? Yes; that is the roll I used. [*Roll produced.*]
220. *Mr. J. P. Abbott.*] Is this roll now in the same state as when you handed it to Mr. Taylor? I could not say that. With the exception of the additions it is.
221. With those exceptions it is in the same condition as when you handed it to Mr. Taylor? Yes.
-

Mr. Edwin Berry sworn and examined:—

- Mr. E. Berry. 222. *Mr. Wise.*] Were you, on the day of the Redfern election, in the New Masonic Hall, about mid-day? I was—on the premises.
- 25 July, 1889. 223. Do you remember seeing Mr. Alderson acting as presiding officer? I do.
224. Did you make any request, either to him, or to Mr. Vaughan, or to anybody? When I was informed that they had appointed Mr. Alderson as presiding officer at that polling-place, I objected on behalf of Mr. Anderson to his appointment. I entered a protest.
225. Will you state the ground of your objection? The ground of my objection was because he was a partisan of the other party, and had Mr. Schey's tickets in his hat at the time. When Mr. Vaughan talked to me about appointing another presiding officer, and he could not get the scrutineers, I offered to act as scrutineer myself on behalf of Mr. Anderson, which was objected to by the party round about. I took no notice then.
226. Did you ask Mr. Vaughan that a scrutineer might be appointed on Mr. Anderson's behalf? Yes; I said I would take the scrutineer's place on behalf of Mr. Anderson.
227. Were you any length of time in that room? Not in the room, but I was at the booth from half-past 11 until 4 o'clock—outside principally.
228. Can you say, from anything you saw inside, whether, when Mr. Alderson was acting as presiding officer, it was impossible for one scrutineer properly to do his duty—whether an additional scrutineer was necessary? I could see that one scrutineer could not do the work with two presiding officers.
229. *Mr. Williamson.*] Were you not the person who applied for assistance at this polling-booth? No.
230. Did you not apply to Mr. Vaughan for assistance? I said to Mr. Vaughan, when the crush was on, that he had better put another man on to give numbers; that was the application I made.
231. You applied for assistance? That was the assistance I applied for, not for a presiding officer.
232. Nor for a poll-clerk either? No; the only one I applied for was the extra man to give numbers.
233. Did not Mr. Vaughan ask you if you would take the position, and you refused? No; he never asked me to take the position.
234. Did he ask you to take the position which Mr. Alderson subsequently held, and did you refuse? He never asked me.
235. When was it that you offered to go as scrutineer for Mr. Anderson? After I had made the request with regard to the extra man for the numbers. He said that if an extra man was put on for the numbers he would have to put on an extra presiding officer. But there were no scrutineers, and I said that I would go scrutineer for Mr. Anderson.
236. And when he told you he would have to put on an extra presiding officer and a poll-clerk, you did not object to it then when you made your offer? When they objected to my going in as scrutineer I did not think that they were going to appoint one. When I turned my back he was appointed in his place, and when Mr. Anderson's party told me that Mr. Alderson was appointed I immediately went in and objected to Mr. Vaughan.
237. At the time when you applied for the appointment of scrutineer for Mr. Anderson had Mr. Schey an extra scrutineer? I do not know.
238. *Mr. J. P. Abbott.*] Can you tell us why they refused to allow you to act as scrutineer for Mr. Anderson? Simply because I was working a little in the interests of Mr. Anderson.
239. But, as a matter of fact, I suppose you had no appointment in writing? No.
240. *Mr. Williamson.*] It was not Mr. Vaughan who refused to accept your appointment? No.
241. You simply heard somebody say they objected to you and you walked away? When they objected I did not walk away, because I was there until 4 o'clock; but I turned my back to look after any voters who were coming up.

242. *Mr. J. P. Abbott.*] Did you see any irregularity in the taking of the poll after Mr. Alderson was appointed? No; except that I saw Mr. Schey and Mr. Stephen and several other people in the room where they had no business to be. I did not know Mr. Stephen was in, and I simply said to Mr. Schey, "You have no business in this room, your place is outside," and he said, "Mr. Stephen is in, and he has no business here either," and I immediately asked Mr. Stephen to retire as well.
243. Where you not in too? I went in because I was told Mr. Schey was in. I only went as far as the poll-clerk's place.
244. You do not know of your own knowledge that Mr. Alderson was guilty of any irregularity? Decidedly not.
245. And you did not see anything? No.
246. *Chairman.*] You were not there long enough, I suppose—not acting there in any official capacity? No, not in any official capacity.
247. Did you record your vote there? No, I recorded my vote at Redfern.
248. Did you see other people there besides Mr. Schey and Mr. Stephen? Oh, yes; there were a great number in the room, one sort and another.
249. How many do you think at that particular time? I could not tell you how many. At the dinner-hour, between 1 and 2 o'clock, the room was crushed. There was a great number—the same as if this was the table—putting their hands over to get their numbers from the poll-clerk, and he could not supply them.
250. How many do you think there were there at that time? I should think there must have been from forty to fifty at that time.
251. Were you in the polling-booth more than once? No further than just as far as the entrance to the room. I never went beyond the poll-clerk, except on the occasion when I went to object.
252. You actually went into the room where the presiding officer and the poll-clerk were? Yes; to object.
253. *Mr. Frank Smith.*] Did you see anyone outside with ballot-papers during the day? I did not.
254. *Mr. Wise.*] How close was the poll-clerk sitting to the officer who had the ballot-papers? I suppose he was close to him. I could not positively tell. I was not near enough at any time to take any notice.
255. How was Mr. Bernard sitting? I could not tell you.

Mr.
E. Berry.
25 July, 1889.

Mr. Edward Pulsford sworn and examined:—

Mr.
E. Pulsford.
25 July, 1889.

256. *Mr. Wise.*] Did you receive this roll [Exhibit E] from Mr. Taylor? I did.
257. When did you receive it? On the morning following the election—Tuesday the 9th.
258. I believe you have calculated the number of names marked off on that roll? Yes.
259. Can you tell me what the total is? 801.
260. In going through that roll was there any appearance of any names having been erased, which had once been struck off? No.
261. *Mr. Williamson.*] Did you make any marks on the roll at all? No; not beyond the marks indicating additions.

Mr. Joseph Meyer sworn and examined:—

Mr. J. Meyer.
25 July, 1889.

262. *Mr. Wise.*] You are a senior constable? Yes.
263. Were you on duty at the New Masonic Hall on the day of the Redfern election? I was.
264. Were you on duty inside or outside? Inside of the hall.
265. Will you tell me what were the arrangements made inside for voting in the early part of the morning? The presiding officer, Mr. Cook, was seated at the table with the ballot-boxes. Two scrutineers, Mr. Bradford and another gentleman, whose name I do not know, had places round the table, and also Mr. Mihell, who was poll-clerk. That was up to about 1 o'clock.
266. What sized table was it? A fair sized table, very nearly as long as this one, but I do not think it was quite as wide.
267. How many ballot-boxes were on the table up to 1 o'clock? Only one, at 1 o'clock.
268. At that time was there a great rush? There was a great rush between 1 and 2.
269. How many people do you suppose you saw in the room at any one time—the largest number? Round the poll-clerk I should reckon there would be about forty or fifty.
270. Were there others in the room? They were going backwards and forwards to the presiding officer and the ballot-box.
271. How many could you say you saw in the room at once? Perhaps from fifty to sixty electors.
272. After 1 o'clock what was done? An additional poll-clerk was placed at the table.
273. Who was that? Mr. Hannagan, I think, is his name.
274. Who placed him there? I believe Mr. Vaughan, but I am not quite sure; however, Mr. Vaughan arrived about 12 o'clock. I will not say positively that Mr. Vaughan placed him there, but he was there.
275. You say Mr. Alderson was appointed? Mr. Alderson was also appointed and a young man named George Barnard.
276. Where were they sitting? At the same table as the presiding-officer.
277. How long were they acting before the extra ballot-box was brought up? I would not be positive as to whether they were acting before the ballot-box was brought. There was such a crowd around the poll-clerk that I was fully engaged keeping them away from the table.
278. Did you see Mr. Alderson giving out any ballot-papers? Yes.
279. Did you see him initial any? I will not be positive that I saw him initial any, because from 1 o'clock, when the crush came on, I was principally engaged at the poll-clerk's table.
280. Were you present at the counting? I was.
281. Can you speak as to any ballot-papers that particularly attracted your attention at the counting? Yes.
282. Will you tell the Committee what attracted your attention in connection with those vouchers? There were three ballot-papers folded up together. The presiding officer picked them up and unfolded them and turned one up, and I noticed then that on the top one the name of "Anderson" was scratched out,

Mr. J. Meyer. out, and also the second one; I did not notice the third one at the time. He then folded them up together again and handed them over to Mr. Barnard, who was sitting next to him. At the same time
 25 July, 1889. Senior-sergeant Bradwell nudged me with his arm, to draw my attention to it, and I said, "All right; I see."

283. Could you give the Committee any idea how those three papers were folded up together. Take three pieces of paper and fold them together exactly as you saw them? [Papers folded up.] The presiding officer undid them and looked at the top one and the second one, and folded them up again, and handed them to the next man.

284. *Mr. J. P. Abbott.*] Who was the presiding officer? Mr. Cook.

285. It was Mr. Cook who took them out? He picked them up from the table and handed them to Mr. Barnard, sitting next to him. Mr. Barnard also undid them and looked at the three of them, and then handed them to Mr. Alderson. While Barnard was looking, I saw that the name "Anderson" had been scratched out on each of them.

286. *Chairman.*] Mr. Cook was the presiding officer at that time counting the ballot-papers at the close of the poll? Yes; he had already counted some.

287. On his taking up these three alleged ballot-papers together, he opened them, examined them, refolded them, and passed them on to Mr. Bernard? Yes.

288. What did Mr. Barnard do? He just looked at them, and handed them to Mr. Alderson. At the same time he whispered something to Mr. Alderson, but I do not know what was said.

289. What did Mr. Alderson do with them? He straightened them out and placed them on a heap of other ballot-papers that were straightened out ready to be counted.

290. And to the best of your belief they were counted with the other ballot-papers? Yes; to the best of my belief they were.

291. *Mr. Wise.*] From the way that these papers were folded, would it have been possible, in your opinion, for them to have got into the position in which you saw them, through being shuffled together in the box in any way? No; they could not.

292. They must have all three been put in together? Yes.

293. I believe a report was made by you to the Colonial Secretary on this matter? I believe so; of course I do not know whether it was or not. Senior-Sergeant Bradwell might have spoken of it, and he might have mentioned my name.

294. *Mr. Williamson.*] Though you and Senior-Sergeant Bradwell saw all this, you did not make any complaint to the presiding officer? No; we walked away.

295. Nor did you make any complaint to the poll-clerks or scrutineers? No.

296. Have you been engaged in collecting evidence in support of Mr. Anderson's petition? Not in the least. In fact I have been away from Redfern this last fortnight.

297. *Mr. J. P. Abbott.*] Were you or Sergeant Bradwell stationed at the door of the polling-booth? Not the outside door.

298. But the inside door? We stood at the inside door.

299. There is an entrance from the street and the passage, and then there is a big room, and there is a door into that room; where were you and the sergeant stationed—at the door? Not particularly at the door, but inside. We went as far from the door as the presiding officer's table.

300. Then anybody who liked could have come in and gone out. There was no constable there to stop anybody from coming in? There was a constable at the outer door. There were three constables—Constable Griffiths was in uniform, Sergeant Bradwell was in uniform, and I was in plain clothes.

301. You were sent there to watch the electors, as you were living at Redfern for some time and knew the people? Yes.

302. And you say there were as many as fifty or sixty in that room at once? About the time of the rush, between 1 and 2 o'clock. They would not stop them. On one occasion the poll-clerk's chair was very nearly pulled away from him. They were leaning right over his shoulder.

303. Do you know Mr. Bradford, who was acting as scrutineer for Mr. Anderson? Yes; but I did not know at the time for whom he was acting.

304. But you saw him there acting as scrutineer for Mr. Anderson? Yes, I saw him there.

305. Was he present when the ballot-papers were taken out of the boxes? Yes, he was there.

306. And who took them out of the boxes? Arthur Mihell, the poll-clerk, and his assistant, who was appointed about 1 o'clock, took them out of the first box, and both of them counted the papers. At least they flattened them out ready to be counted, and placed them before the presiding officer.

307. And Mr. Bradford, was he not there? Yes, Mr. Bradford was there; but he had a sheet of paper and marked them down as the presiding officer called them out—"Anderson" or "Schey," whichever it might be.

308. And Mr. Bradford of course saw the papers, as they were taken out the same as the presiding officer did? No doubt he would see, but he was more engaged putting down the number.

309. Who was it took the ballot-papers out when you saw these three papers folded up? It was Mr. Hannigan, the assistant poll-clerk, who was appointed at 1 o'clock. Between Mr. Hannigan and Arthur Mihell they were straightened ready to be counted—that is, out of the ballot-box that was first in the room and contained most of the ballot-papers. The papers were taken out of the other box by Mr. Alderson, and straightened by him and Mr. Barnard.

310. *Mr. Ryrie.*] Was Sergeant Bradwell alongside of you when you saw the three papers folded up taken out of the box? Yes, close together.

311. Were you in a better position to see them taken out of the box than he was? I do not know about a better position, but equally as good.

312. He could have seen them? Yes.

313. And if he has sworn that he did not see them come out of the box I suppose there is a probability that you were mistaken also? Of course I do not swear positively that those three papers were taken out of the box, but what I state is that I saw the presiding officer take them up from the table.

314. You did not see them come out of the box? No, I did not see them come out of the box. I saw the presiding officer take them up from the table away from papers that had come out of the box.

315. *Chairman.*] You were there in plain clothes on that day? Yes.

316. On duty? Yes.

317. Purely in the interests of your department? Yes.

318. Not in the interests of either candidate at the election? No.
319. Were you stationed inside the door? Inside the hall.
320. Sometimes, I presume, walking up and down the room where the voting was going on? Not in the hall. While the voting was going on I was in the hall.
321. Were the ballot-boxes within your view where you were stationed? Yes.
322. You saw the voters place the ballot-papers in the boxes? Yes; and several times I sent them back again. After they had scratched out the names, and when they were attempting to come out with the ballot-papers, I sent them back to the ballot-box. In fact it was an instruction given me by Mr. Cook, the presiding officer, that I should particularly see that the people did not walk out of the hall without placing the papers in the ballot-boxes.
323. You could see the voters placing the papers in the box, and you could also see the presiding officer or the poll-clerk handing out the ballot-papers? Yes.
324. Did you notice any more than one ballot-paper handed to any one elector? No.
325. Not more than one at a time? I did not notice any more than one being handed at a time; but there was fully an hour, or perhaps two hours, during which I scarcely had time to look over to the table.
326. You did not see all the papers handed out? I did not.
327. If you had noticed any irregularity in connection with the action of the presiding officer or the poll-clerk, would it have been your duty to have interfered? No.
328. And, consequently, it not being your duty, you would not have mentioned it? No.
329. You were there to look after the interests of the State, and not the interests of the election? Exactly.
330. As a matter of fact, did you notice any irregularities taking place? That is the only thing I saw—the folded ballot-papers.
331. Did you notice any irregularities taking place on the part of the presiding officer or poll-clerks, or any other officer connected with the conduct of the election? That is the only irregularity that I saw.
332. Then, as a matter of fact, all that you saw of that nature occurred after the polling closed? Yes.
333. And you noticed that when the presiding officer took up what appeared to be a ballot-paper, it turned out, when opened, to be three ballot-papers, and that is all you saw? That is all.
334. Did you make any arrests for personation? I did not.
335. Do you know whether any persons were arrested at that polling-booth? None were arrested on that day.
336. *Mr. Frank Smith.*] During the rush that took place, did anyone complain to you that they could not vote, and did they go away as if the rush had prevented them from recording their votes? They did not complain to me; but I heard them complain, and I know one or two went away.
337. They did not vote, owing to the rush? Yes.
338. Did they complain to you? Not to me. I heard them make remarks, I believe, to Senior-Sergeant Bradwell. I am not quite sure whether they complained to him or to someone standing by; but I heard them say so.
339. That they did not vote? Yes. I heard them say, "Well, I have not time to stop any longer, I must be off—that is one lost."
340. In your opinion, was the crush sufficient to justify their going away? If they were employed in town, and had to be back to work at a certain time (say 2 o'clock), they could not have remained there until such time that their number could have been given by the poll-clerk.
341. Because of the crush? Yes. They would be there perhaps until half-past 2 or 3 o'clock, and they would then have been late for their work.
342. *Mr. Williamson.*] All the voters had to go through the one opening, had they not? Yes.
343. *Mr. J. P. Abbott.*] Was the crush relieved when Mr. Alderson was appointed, and another polling-clerk? There was a little relief; but at the time—for half-an-hour or three-quarters of an hour—they seemed to come in very strong up till about 2 o'clock.
344. The dinner hour, I suppose? Yes.
345. *The Chairman.*] Had all the voters little tickets containing a number? Most of them.
346. Purporting to be their number on the electoral list? Yes.
347. Will you describe what the proceedings were. When the electors entered the room what did they do? Perhaps there were two rows standing round the table as thick as they could. As they came in they would stretch their arms across the shoulders of those in front and say to the poll-clerk, "Here is my number, give me a ballot-paper; I must go away to dinner; I cannot stop." The poll-clerk took the papers from the electors as fast as he could, looked at the number, turned over the roll, found the number, and saw that the name was correct, and gave the elector the paper.
348. *Mr. Wise.*] You stated in answer to Mr. Abbott, that at one time there was such a crush that the poll-clerk's chair was almost pulled away? Yes.
349. At that time, or at any other was the crush so great that it would have been possible for a person to appropriate a ballot-paper improperly without his being observed? Yes; it was possible.
350. During the counting of the votes had Bradford anything to do with taking the votes out of the ballot-box? No.
351. Have you been stationed long in Redfern? For eight years.
352. This Mr. Cook, who was appointed either deputy-returning officer or presiding officer, is he an old resident of Redfern? I do not believe so; because I really did not know him until I saw him in the Masonic Hall.
353. Do you know that he lives at Newcastle? I do not.
354. And this Mr. Bernard who was appointed, who is he? He is an agent.
355. How long has he been in Redfern? Between three and four years, to my knowledge.
356. Do you know a lad named Currie, living on the Beaconsfield Estate, at Waterloo? No; I do not.
357. How long has Mr. Dacey, the returning officer, been a resident in Redfern? Well, I do not know. I have known him a few years in Redfern.
358. Have you known him more than four years? No. He may have been there more than four years.
359. What position has Mr. Dacey in life? He is one of the aldermen of Alexandria.
360. Of what occupation is he? That I could not say.
361. Did you ever know him in any occupation in Redfern? No.

Mr. J. Meyer. 362. You say you have known him there for four years;—do you not know that he only came to Redfern about five years ago? I do not.

25 July, 1889. 363. *Mr. Williamson.*] Is it quite possible for a man to be a resident of Redfern without your knowing him? He may be for some time.

364. You do not know all the people in Redfern? No, not all of them; but, of course, if anyone is resident for any length of time in Redfern I am likely to know that he is living somewhere about.

365. You know, as a matter of fact, that Mr. Dacey has been Mayor of Alexandria for nearly two years? Yes.

366. You also know, as a matter of fact, that Mr. Dacey was never in Redfern in his life, do you not? He lives in Alexandria.

367. Where he lives is a long way from Redfern? Yes, from the Borough of Redfern.

368. And you know also that within the last four or five years he has been carrying on a pretty extensive business where he is living? No, I do not know.

369. As an agricultural implement manufacturer? No, I cannot say I know that. I know Mr. Dacey by his being an alderman.

370. Has not your business as a policeman frequently taken you to where his place is? Yes, all about there. It is in the police district.

371. You know the man well enough, do you not? Yes; I know Mr. Dacey well.

372. *Mr. Wise.*] Did you see or hear anything of ballot-papers being outside the polling-booth? I never saw any outside.

373. I do not mean anyone coming up and saying they were there after the election, but during the day of the election, did you hear any persons conversing amongst themselves say there were ballot-papers outside? No.

Mr. Edward Pulsford recalled and further examined:—

Mr. E. Pulsford. 374. *Mr. Wise.*] Will you look at that roll having reference to the polling-booth L to Z, at Alexandria;—have you added up the number on that roll which are marked off as having voted? I have.

375. What is the total number? 417.

25 July, 1889. 376. Will you look at the roll referring to polling-booth A to K, Alexandria; used by Mr. Watkins as a scrutineer;—have you done the same with regard to that roll? Yes.

377. And what is the total? 303.

378. In either of those rolls was there any appearance of the erasures of names which had once been marked off? None.

379. The total number in those two rolls is 720? Yes.

380. Have you been through the scrutineers' rolls of all the polling-booths, with a view to finding out whether there was any double voting? I have been through the whole of them.

381. Have you prepared a list? I have.

382. How did you conduct the inquiry? I should like to say that within a quarter of an hour of the declaration of the poll on Monday I sent a telegram to Mr. Anderson at his residence at Waterloo, asking that the whole of the inside scrutineers' rolls might be brought up to the office of the Free-trade and Liberal Association on the following morning. Early the next morning, somewhere between 10 and 11, Mr. Anderson and Mr. Taylor came in together and brought the rolls. Since that time the whole of the rolls have been in my sole possession until last week, when two of them were deposited here. The way I went over the rolls to check the double voting was this: I think there were five different polling-places. I took one roll myself, and two of my clerks each took a roll, and I think Mr. Taylor, Mr. Anderson's secretary, took another. Then I called off the whole of the numbers that were ticked off in the roll I had. When that was done with I took one of the others, so that we went through the whole of the rolls, and wherever we found a vote recorded twice I took a note of it.

383. I believe you made no inquiries from persons on that list as to how they voted? I have not.

384. Do you identify the list now put in as the list you prepared? Yes. [See Appendix.]

385. *Mr. Williamson.*] Did the names on this list appearing as double votes occur in only two of the rolls? Only two.

386. And you had the scrutineers' rolls for the whole five places? Yes.

387. *Mr. J. P. Abbott.*] Do you remember which two they were? I thought the question was, had anybody voted at more than two places, to which I say "No."

388. *Mr. Williamson.*] My question is this—were the names, which appear on the list as those of double voters, erased off only two of the rolls? Certainly, only two.

389. So that there was only double voting at the two places? You do not understand me, or I do not understand you. Take the first name—it is Redfern and Alexandria; the second name is Redfern and Sydney.

390. That is double voting at two places? Just so. No one voted at three different places. The names only appear on two rolls, but the two rolls are not in every case the rolls of two distinct polling-places.

391. *Chairman.*] It is really a record of double votes, not treble votes? Yes.

392. *Mr. Wise.*] Of course that only indicates the marks made by the scrutineers—the scrutineers may be mistaken? Just so.

393. And the only test will be a comparison of those names with those on the official rolls? I believe so.

FRIDAY, 26 JULY, 1889.

Present:—

Mr. Hayes,
Mr. Lee,

Mr. Street.

Mr. Frank Smith,
Mr. Ryrie,

C. A. Lee, Esq., in the Chair.

Mr. Wise, instructed by Messrs. Carruthers and Hawkins, appeared for the Petitioner.
 Mr. M. A. Williamson, solicitor, appeared for the sitting Member.

Mr. Sydney Newton sworn and examined:—

394. *Mr. Wise.*] What are you? I work on the railway.
395. Were you at the New Masonic Hall on the day of the Redfern Election? Yes.
396. At what time of the day were you there? I was there from about 20 minutes to 4 until a quarter to 5.
397. Outside the polling-place, did you see any papers that looked like ballot-papers? Yes.
398. In whose hands were they? In some man's hands; I do not know him by name.
399. Had he any party badge or ticket in his hat or about him? Yes; he had a ticket of Mr. Schey's in his hat, and he was in the company of three or four more who had the same tickets in their hats.
400. Did you hear anything said with reference to those papers? About 10 minutes past 4, just after the polling-booth closed, this man I refer to held up two of the papers, one in each hand, and made the remark, "Schey is in. Here we have two to spare; if we wanted a hundred we could get them."
401. You do not know the name of the man? No.
402. I believe you have tried to find him since? Yes; I have described the man, and I have been round to two of the factories to try and identify him.
403. Did you know any of the men by sight as residents of Redfern? Yes; I have seen them several times. I have not been a resident of Waterloo for the last three years, but one of them I knew to be a resident there when I lived there, but I do not know him by name.
404. *Mr. Williamson.*] Are you an elector of Redfern? Yes.
405. Did you make any wager about the result of the election? No.
406. Will you swear that you did not bet with anybody that Anderson would beat Schey? No; not this time—not at all.
407. You work on the railway; is it in the moulders' shop? No; in the engineers' department.
408. Will you swear that you and two of the moulders who work at Redfern did not make wagers on the result of the election? I did not.
409. Did you, in conjunction with them, make wagers on the result of the election? No; none whatever. At the previous election I did, but not at the last.
410. When you heard all the talk about the ballot-papers did you report it to anyone? I did; in fact, that is how it got about in the shop where I was working. I remarked it the very next day.
411. That was to men in the shop? Yes.
412. Did you report it to Mr. Anderson? No.
413. To his secretary? No; I was not aware then who the secretary was.
414. Were not the persons to whom you reported it members of Mr. Anderson's committee? Yes.
415. Was it not with those men you made a wager about the election? No; I made no wager.
416. Did you give them money to make a wager for you? No, I had nothing to do with any wager at all. I did not go with the intention of reporting it, but I made a remark in reference to what I had seen, and some party reported it to the committee.
417. Do you know Thomas Lyons who works on the railway? Yes.
418. Have you been speaking generally about this particular thing? Yes.
419. And on the day you say this took place did you place yourself in communication with Mr. Anderson or any of his committee? I did not.
420. Do you know the name of the man in whose hands you saw the ballot-papers? No, if I did I would very soon find him out. I described the man.
421. To whom—to Mr. Anderson or any of his committee? Not to Mr. Anderson. I did to Mr. Taylor, and also to Mr. Bradwell.
422. *Mr. Frank Smith.*] What was on the papers you saw? I could not actually swear, but I was close enough to see that they had the appearance of ballot-papers. They had two names on them, and they were exactly the same as the papers I had voted on. I was not close enough to actually read what was on them.
423. What colour were they? White.
424. Is that the same colour as that of the papers used? Yes.
425. But you cannot say that they were ballot-papers? The man did not say ballot-papers, but he said "Schey is in. Here's two, and if we wanted 100 we could get them."
426. What made you think they were ballot-papers? Simply because they answered the description of what I had seen myself when I voted.
427. Did you know the men whom he addressed when he said "Here's two?" I did not take it that he was addressing anybody individually. There were four or five more persons with him at the time.
428. Was he sober? Yes; he did not appear to be anything else.
429. Was he very excited? He seemed to be very pleased at the idea.
430. *Chairman.*] Pleased at the result? There was no result, because the polling-booth had just been closed.
431. *Mr. Frank Smith.*] Had he come from the polling-booth? I had seen him there before the poll was closed.
432. You have not seen him since at all? No. I have tried. I have been out several times to try and see him.
433. *Mr. Williamson.*] Have you taken any interest in elections previous to this one? Yes.
434. Have you seen papers handed out with the names of the candidates on, and with directions to vote in a certain way? Yes, cards but not ballot-papers.

Mr.
S. Newton.
26 July, 1889.

- Mr.
S. Newton. 435. Will you swear that the papers you saw were not papers of that description? Yes.
26 July, 1889. 436. Where did the conversation take place? Outside the New Masonic Hall.
437. That is not where the poll was declared? No, that was one of the polling-booths.
438. Were you at work that day? Part of the day.
439. You were not at work in the afternoon? No.
440. *Mr. Ryrie.*] You say that you knew this man previously? Only by sight. I have seen him before.
441. Having known him previously could you not ascertain his name in any way? I have tried to. I have only known him by sight not by name.
442. *Mr. Wise.*] Have you seen the police with reference to this matter? Yes; two or three. I have been to four different places to see if certain men were the man I described, but they were not.
443. *Chairman.*] At all events you swear positively that you do not know the man? No.
444. *Mr. Hayes.*] Were there many people outside the New Masonic Hall when the man held up what appeared to you to be ballot-papers? There were a great many outside, but at that particular spot there was a knot of about five.
445. Including yourself? I was a little distance away.
446. Could many besides yourself have heard the remark? I should imagine that others could have heard it. Those who were in the group could have heard it as well as I did.
447. And others? I do not say that others could.
448. *Mr. Williamson.*] Did you go to the police or did the police come to you? I went to the police.
449. When? About a quarter past 1 or a quarter to 2.
450. On what date? I cannot exactly tell.
451. This week or last week? Last week, Wednesday, I think. No, it was Monday.
452. What is the name of your foreman, is it Mr. Howe? Mr. Scott, I should imagine, would be called the foreman.
453. Were you late for your work on that day? Yes.
454. Did a constable go to the works to excuse you? Yes.
455. Were you present when he gave the excuse? No.
456. It was Sergeant Bradwell was it not? Yes.
457. *Mr. Street.*] How far were you from the man when he held up the papers? About the length of this room, 8 or 9 or 10 yards.
458. Had he more than the two papers in his possession, so far as you could see? No; he did not show them.
459. Did any of the other men appear to you to have any papers? I did not notice any. They did not expose them if they had.
460. *Mr. Wise.*] Were the five men in a group by themselves? Yes; a little distance off from the main crowd. The people were forming little knots of four or five all around, and this was one of them.
461. Had the man who held up the papers his back or his face towards you? His side face.
462. Except yourself and that group was there anybody else within hearing? Unless anybody was trying to listen to the conversation I do not think he could hear. Of course if anybody had been listening and wanted to hear, they could have heard, but, otherwise, I do not think he could.
463. This man was talking to the members of the group—he was not shouting out for all the world to hear? No; he was making a remark to the few persons who were with him.
464. How long have you been in the railway service? About nineteen or twenty years.
465. You were asked just now who was your foreman—is Mr. Howe, a brother of the Member, foreman in your shop? Yes.
466. Has he spoken to you about this matter at all? No.
467. *Mr. Williamson.*] Were the persons who were in that small group strangers to you? Yes; as far as being personally acquainted with them is concerned. I had seen them before.
468. What took you amongst them? I was not with them.
469. How far were you off? About the length of this room.
470. You heard them at that distance—in order that you could do that they must have spoken above the ordinary tone of voice? So it was. Generally when a person makes use of an expression of that sort he raises his voice a little higher than in ordinary conversation. He made the remark, "Schey is in. Here is two and if we wanted 100 we could have got them."
471. And you say that although you were distant from the group the length of this room you could see what was on the papers? I could see that there were two names, and that they were ballot-papers to all appearance.
472. Do you wear spectacles? Yes.
473. Are you short sighted? Not the least. I could not see you with spectacles on going along the street. It is only when reading or writing that I wear spectacles.
474. Can you tell me what the letters in large type on this paper are [*holding up the first page of these Minutes of Evidence*]? No. I have said that I could not distinguish the names, but I could see that there were two names on the paper.
475. You say you could see the names? I saw two lines, that is all.
476. Do you mean to say that at the distance of this room you could see the names on a ballot-paper, and yet at the distance between you and me, you cannot tell what is on this paper? I could see that there were two names, but I could not say what the names were; just as I can see that there are two lines on that paper.
477. Did you see any seal on the papers? No.
478. As a matter of fact you cannot tell what was on the paper? No; only to the best of my opinion the papers corresponded exactly with the ballot-papers I have used, but what were the names on them I could not tell.

Mr. George Anderson recalled and further examined:—

- Mr.
G. Anderson. 479. *Mr. Wise.*] Were you outside the New Masonic Hall polling-booth on the day of the election? Yes.
26 July, 1889. 480. How long? I should say about half-an-hour.
481. At what time of the day? Between 1 and 2 o'clock.

Mr.
G. Anderson.
26 July, 1889.

482. Was there a great rush of voters there then? Yes.
483. Was the accommodation sufficient for them? No.
484. Did you see any voters go away without recording their votes? Yes. Numbers went away and on going away they said, "That is some loss to you, old man; we cannot remain any longer, we must go to our work."
485. Can you say how many persons whom you believe would have voted for you, or who told you that they would vote for you, were prevented from recording their votes in consequence of the badness of the arrangements? There were five or six in one group, and at different times there were about twenty, altogether, if not more.
486. That is persons that you actually know? Yes; persons who said they were going to vote for me.
487. And who came away owing to the badness of the arrangements preventing them from recording their votes? That is so. During the time I was there nobody was supervising the arrangements inside. Mr. Vaughan, the deputy returning officer, came while I was there, but he was absent previously.
488. When you went there he was absent? Yes.
489. He was not in charge then? There seemed to be nobody in charge. The place seemed to be like a common, where everybody could resort without check.
490. Were there other persons in the room besides yourself? There was a large number of persons in the room.
491. Were you allowed in yourself? Yes, I went in and I had occasion to direct attention to some partisans inside who had no interest in the electorate at all.
492. And you say there seemed to be nobody in charge? No.
493. But you saw Mr. Vaughan afterwards? Yes, I saw him afterwards, and it was intimated to me that a scrutineer offered his services on my behalf, but that they were declined; and I heard persons speaking in a very violent manner to this effect "Anderson shall have no scrutineer. We won't allow it," notably Mr. O'Grady.
494. *Chairman.*] Who is Mr. O'Grady? He is a cab-driver.
495. Not one of the officials employed there? No except by the opposite party. I do not know whether he was employed or not.
496. At any rate he was not an official? No.
497. *Mr. Wise.*] You have lived in the electorate a great many years? About twenty-two.
498. And I suppose you know most of the people who live there who take an active part in public affairs? I do.
499. Can you tell me who Mr. Cook is, whom we have heard spoken of as being a scrutineer? I know Mr. Cook, who was carrying on business as a draper for six or nine months, on the Botany Road some eighteen months or two years ago.
500. Is that the first you knew of him in this electorate at all? That is the first and the last, until I heard that he was brought from Newcastle to act as presiding officer.
501. Is he a man who has ever taken any part in public affairs and likely to know people? I have never seen him on any occasion where gentlemen were called together for the purpose of identifying themselves with matters useful to the district.
502. A Mr. Barnard has been mentioned—how long have you known him as a resident of the district? Between four and five years.
503. What position has he occupied? I think he is carrying on business as a sort of agent collecting debts.
504. *Mr. Williamson.*] He is well known there is he not? I think he is very well known.
505. *Mr. Wise.*] Do you know a lad named Currie? No; only by sight.
506. Did you see a lad of that name acting as poll-clerk at the Redfern booth? I cannot say that I took notice of him.
507. *Mr. Williamson.*] You say there was a great rush at the New Masonic Hall? Yes.
508. Do you remember Mr. Berry being there? I do.
509. Did you send him into the building to ask that additional assistance might be given to help the polling along? I asked Mr. Berry to go inside and try to get me fairly represented.
510. Did you ask him to get the assistance? I do not think I did.
511. Did you hear Mr. Berry go in and ask anybody to get additional assistance? I believe he did.
512. Did you hear anybody apply to Mr. Berry to take the position himself? No.
513. Did you hear him refuse or decline to take it? No; but he came back and told me that he offered to go as scrutineer and that they declined his services.
514. Did he tell you who declined his services? No; he did not.
515. Can you swear that there were twenty voters that intended to vote for you, but who could not vote? I will say that the number even exceeded that.
516. Did you secure a majority at that particular polling-booth? I believe I did according to the returns.
517. Are you aware whether or not you did obtain a majority at that booth? Yes, and I believe I would have obtained 200 more.
518. Can you tell us what the majority was? No, I cannot. All that I can say is that all the positions seemed to be really packed. Every appointment was made by the opposite party in a manner that was detrimental to my interests. At the same time I have not the slightest objection to persons opposed to me being appointed so long as they are men of integrity, which I do not believe some of them were.
519. *Mr. Ryrie.*] You mentioned that about twenty people went away who intended to vote for you; do you know the names of any of those persons, and did they vote or not vote? I cannot say that their names are recorded.
520. Can you mention any of their names? No; because there seemed to be so much confusion at the time, that persons were actually prevented from going inside, if it was found that they were likely to be favourable to one particular side.
521. But you cannot mention the names of any persons who went away without recording their votes; they may have gone back again? I believe I could get the names.
522. *Mr. Williamson.*] Do you know if the names of any of those persons are on the roll at all? No.
523. Were there not fully twenty people who were not electors of Redfern at all round about the booth asking others to vote for you? At the Sydney polling-booth I had only one representative for the greater part of the day, and that was Mr. Sparks.

- Mr. 524. Was he not there asking people to vote for you? No; that is a principle I do not believe in.
 G. Anderson. 525. Will you swear that he did not advocate your cause in that way by asking people to vote for
 26 July, 1889. you? I do not think he did. He did not in my hearing at any rate. He had an electoral roll, and
 was giving their numbers to the voters, but I am sure he never asked any person in my presence to vote
 for me.
 526. *Chairman.*] Which polling-place did you remain at during the polling? I went to the whole of
 them.
 527. Did you enter the whole of them? No; I did not. I only entered two—the Sydney polling-place
 and the Botany polling-place. I recorded my vote at Waterloo.
 528. You did not enter the New Masonic Hall polling-place? Yes; that is where I did enter.
 529. That was the Sydney one? Yes.
 530. Were you in the various booths more than once during the day? No.
 531. When you entered the Masonic Hall booth, for what purpose was it? My object was to see who
 was actually my scrutineer there.
 532. When there, how many electors did you see at one time? I would estimate the number altogether
 to be—disinterested parties, that is—
 533. I mean the number outside the officials? About seventy or eighty persons altogether.
 534. At one time surrounding the officials? Yes.
 535. Waiting to receive ballot-papers, as it appeared to you? Yes.
 536. Did they appear to you to be waiting for ballot-papers? Yes.
 537. Do you happen to know whether any of them have recorded their votes? I do not.
 538. Now, at Alexandria, how many people did you see inside the booth there? I did not enter that
 booth at all.
 539. At Waterloo, then? At Waterloo there seemed to be only those who had actually their numbers
 and were getting fairly attended to.
 540. At Botany? The same thing occurred there.

Mr. Alfred George Mihell sworn and examined:—

- Mr. 541. *Mr. Wise.*] You were an outside poll-clerk at the new Masonic Hall, I believe? Yes.
 A. G. Mihell. 542. When I say outside, I mean that, although in the hall you sat away from the ballot-box? Yes, 10
 26 July, 1889. or 12 yards.
 543. We have been told that during one part of the day there was a great rush of voters? Yes; a
 terrible rush.
 544. Were the arrangements adequate to accommodate all who came to vote? No; I do not think so.
 Mr. Dacey did not expect such a run of voters there. He told us when we were appointed—Mr. Cook,
 Mr. Hannigan, and myself—that he did not expect a great rush, so that he thought three would do there.
 545. Can you say whether in your opinion any persons went away without recording their votes? Between
 1 and 2 there was a terrible crowd;—sometimes 150 or 200 people in the room at once around my table.
 I found after the crush that the table and chair had been moved about 15 yards by the pushing. They
 were singing out one thing and another. Some were saying, "You are only giving the Protectionists
 tickets;" others, "You are only giving the Freetraders tickets;" and a lot were saying that if they could
 not get their tickets they would go away and not vote at all.
 546. There was a regular state of confusion for some time? Yes; a terrible state.
 547. Did you hear many people say that they would go away—that they could not stay? Yes. Sergeant Bradwell and a constable were doing all they could to keep the people back from me—from poking
 their tickets into my ears.
 548. *Chairman.*] What tickets? Nearly everybody had a ticket with either Mr. Schey's or Mr.
 Anderson's name upon it, and his own number on the roll. They got them outside.
 549. *Mr. Wise.*] In your opinion, did any large number of people go away without recording their votes? I
 could not say that for certain, but I heard them say that they would go, if they did not get their tickets.
 550. I do not ask you to say for certain, but as a matter of opinion, you being on the spot, do you think
 many people went away without recording their votes? I do.
 551. I believe you have taken no active part in the election on either side? No.
 552. Did you vote on the day in question? Yes.
 553. Where? At the Masonic Hall.
 554. *Mr. Williamson.*] You are well known in Redfern? Yes; I have lived there nearly all my life.
 555. Nearly everybody knows you there? Yes.
 556. Did you know any of those who were poll-clerks or scrutineers at the Redfern booth? Yes; I knew
 a lot of them.
 557. Can you tell the Committee whether or not those people knew you were appointed poll-clerk at
 Sydney? They must have known it, because we were all appointed the same night in the same room.
 558. *Chairman.*] You were appointed by Mr. Dacey, the returning officer? Yes.
 559. And made your declaration? Yes.
 560. How many poll-clerks were acting at the New Masonic Hall? I was what they call the outside
 poll-clerk.
 561. How many were there besides yourself? During the day there was one appointed to help me, just
 for about a quarter of an hour.
 562. How many poll-clerks were there at the opening of the poll? I was one and Mr. Hannigan was
 another.
 563. You started the day with those two? Yes, but I had one table.
 564. How many ballot-boxes were there when you first started at the New Masonic Hall? I think there
 was only one at the start; I could not say for certain.
 565. You think you opened the poll with one ballot-box and two poll-clerks? Yes. I would not swear
 that there was only one ballot-box because I did not take particular notice.
 566. There might have been more than one? There might have been.
 567. Were there any other appointments made during the day at that particular polling-place? Yes.
 568. What were they? A young gentleman named Shyne was appointed to help me as poll-clerk.

569. At about what hour of the day? About ten minutes to two.

Mr.
A. G. Mihell.

570. By whom was he appointed? I could not say.

571. How do you know he was appointed? He came in and spoke to me two or three times during the day. He was hanging about the place and he came and sat down, and I said "Have you got a position?" 26 July, 1889. and he said "Yes, I have got to help you."

572. That is all you know about it? Yes.

573. And you never questioned him any further? No.

574. Were any other appointments made? I know there were extra gentlemen put on at the other table.

575. I wish to ascertain whether there were any other appointments made during the progress of the election in addition to the officers who were present at the opening of the poll. You have already said that Mr. Shyne was one, was there any other? I forgot to mention that before the election was over there was another gentleman who sat down at my table.

576. What was his name? I do not know his name. He was a total stranger.

577. Did you ascertain from him what his business was? No.

578. Did he make any statement to you? No, he did not seem to like to mix up with us.

579. Was he acting in any official capacity? Yes, he gave two or three different people their tickets.

580. What do you mean by their tickets? He gave them their number. He had a roll and he gave them their number.

581. Did he give them any ballot-papers? We did not have the ballot-papers.

582. You did not have custody of the ballot-papers? No.

583. And your duty then would be to give the numbers to the electors as they came in and tick them off the roll? Yes.

584. And Mr. Shyne and the stranger also did that? Yes.

585. Were there any other gentlemen appointed? During the day I believe Mr. Alderson and Mr. Barnard were appointed.

586. What grounds have you for such belief? Only from seeing them sitting at the table after the rush was over.

587. What is Mr. Alderson's christian name? I do not know. I think it is T. Alderson.

588. After the rush was over—that would be about 2 o'clock? About a quarter past 2.

589. After the rush was over at about a quarter past 2 you noticed Mr. T. Alderson and Mr. Barnard sitting at the table where the ballot-boxes were? Yes.

590. Did you notice them doing anything? I noticed them right up to 4 o'clock the time the poll was closed, I noticed Mr. Alderson giving the different people ballot-papers as they came over to him.

591. Do you know of your own knowledge whether Mr. Alderson initialled any ballot-papers;—I mean did you see him do so? No; I was not in a position, I was too far away. I know there were two different initials on the ballot-papers that we opened. When Mr. Cook opened the ballot-box and got Shyne and myself to take the ballot-papers out and straighten them out, he told us to keep the ones that were initialled in blue—they were his, to keep them by themselves and to put those initialled in black, which were Mr. Alderson's by themselves. He said that some of Mr. Alderson's ballot-papers had got into his box.

592. At the close of the poll did Mr. Alderson and Mr. Barnard assist to count the votes? While Mr. Shyne the other poll-clerk and myself were taking the papers out of the ballot-box and straightening them out, Mr. Alderson and Mr. Barnard were taking the papers out of their ballot-box.

593. You have no reasonable doubt in your own mind, but that Mr. Alderson and Mr. Barnard were acting there in an official capacity? No.

594. That was your impression? Yes.

595. Did you see them make any declaration? I only heard Mr. Vaughan during one part of the day say to Mr. Alderson, "Come on and I will get you to sign this," and they went over to another part of the hall, and I saw Mr. Alderson take a pen, but I do not know whether he signed or not.

596. Was that before or after he acted? I could not say, I was trying to think, but I cannot possibly say, I know it was during the day.

597. Was it the practice at that polling-place to admit a number of the electors in at one time? The doors were open and they could come in just as they liked, I have acted before, and I never saw such a number of people voting between 1 and 2 o'clock.

598. This practice retarded the taking of the poll? Yes; but to tell you the truth I did not lift my head all the time between 1 and 2 o'clock. They were singing out "James M'Caffrey" or "James Smith," or whoever they were, and of course I had to give them a number as they sang out.

599. Do you consider the returning officer made proper arrangements to conduct the poll at that place? He did not expect the voting to be so large. He told us he did not expect it to be so large.

600. Then do I understand you to say that he made what he thought were sufficient arrangements to take the poll? Yes.

601. And that there was a far larger number of electors than he expected? Yes. He told us when we were appointed, "I have made up my mind that Mr. Cook and Mr. Hannigan, and you are to take the Masonic Hall, because you understand the business, and I want somebody down there who understands it."

602. Why was Mr. Alderson put on during the day? I think it was because the other gentlemen could not possibly do the work. At one time during the day when Mr. Cook saw there was such a crowd round our table he sent his poll-clerk over to help me, and after the poll-clerk had been helping me for about ten minutes, Mr. Cook found that we were doing the work too quickly for him and there was a good crowd at his table so he commenced to sing out to me, "Mihell, Mihell, send my clerk back again, you are doing them too quickly for me," and his clerk had to go back again.

603. Mr. Hayes.] When you and Shyne were taking out the papers from the ballot-box did you see more than one ballot-paper folded together? Not out of our box, unless there was one or two stuck in each other.

604. One having slipped within the other you mean? Yes.

605. Did you see at any time in your box three ballot-papers folded up as one? Not out of our box.

606. Could there have been three papers folded up as one taken out of your box without your notice? I am sure that every ballot-paper out of our box came through the hands of Mr. Shyne and myself, and I am sure I would have noticed it.

607. It would have been impossible to occur without your noticing it? Yes out of our ballot-box. Of course

- Mr. G. Mihell. course while we were engaged doing that, Mr. Barnard and the other gentleman were engaged taking the ballot-papers out of their box.
- 26 July, 1889. 608. You took each ballot-paper, straightened it out, and passed it on to the returning officer? Yes; we straightened them out and piled them up, and then passed them on.
609. *Mr. Wise.*] I suppose your attention would be occupied in taking the ballot-papers out of your box? Yes.
610. You would not watch the ballot-papers as they came out of the other box? No. We were all engaged—the two poll-clerks and the scrutineers—at one box, and the only two who were disengaged were Mr. Barnard and the other gentleman.
611. *Mr. Williamson.*] Can you tell me whether your ballot-box was emptied quicker than the other one;—which was emptied quicker, your ballot-box or the other? Ours was much the larger box.
612. Then their ballot-box was emptied before yours? Yes.
613. *Mr. Street.*] Who took the papers out of the other box? Mr. Alderson and Mr. Barnard. They were the two gentlemen appointed during the day.
614. *Mr. Hayes.*] Was Mr. Hannigan, the assistant poll-clerk, helping you to take them out of the box? No; he was engaged in tallying. He was poll-clerk at the time at the other table—at the table of the presiding officer.
615. Did he assist in emptying either of the ballot-boxes? No; he only tallied.
616. He did not assist you? No.
617. You are clear about that? Yes; quite clear.
618. Only you and Shyne emptied out the ballot-boxes and straightened out the ballot-papers? That was out of that ballot-box. No one else took one out. I may say that I took nearly every one of them out myself, because I used to take them out of the ballot-box and hand them over to Mr. Shyne.
619. *Chairman.*] Was Mr. Hannigan acting at your ballot-box? No; he was engaged in tallying.
620. *Mr. Hayes.*] As a matter of fact, Hannigan did not assist in emptying either of the ballot-boxes? No.
621. *Mr. Wise.*] Can you say whether Hannigan had anything to do with Mr. Alderson's box any part of the time? I am quite certain he had not; he was engaged in tallying all the time.
622. Was Mr. Hannigan sitting close by you? Opposite to me.
623. But was he tallying from your box? Yes. Well, Mr. Cook counted the papers that Mr. Alderson and Mr. Bernard straightened out. Mr. Cook took them and sang out the names himself.
624. And Mr. Hannigan tallied? Yes.
625. And Mr. Hannigan you say was sitting close by you? Yes; sitting opposite to me.
626. *Chairman.*] At the close of the poll, did you tot up the number of names on the electoral list that you had used? No; we had nothing to do with that at all.
627. Therefore you do not know, according to the electoral list you used, how many electors applied for voting papers? No; I did not add them up at all. I was not asked to add them up.

Senior-Sergeant Joseph Bradwell recalled and further examined:—

- Sen.-Sergeant 628. *Mr. Williamson.*] Might I ask if, in your official capacity as sergeant of police, you have been J. Bradwell. collecting evidence in this matter? On behalf of either of the candidates?
- 26 July, 1889. 629. Have you been collecting evidence at all? I was collecting evidence. I was making an official inquiry into the matter on behalf of the police authorities as to any personation.
630. On behalf of the police authorities? Yes.
631. Did you inform anybody that you were instructed by the Colonial Secretary to collect evidence in connection with this matter? I never said so. I never was instructed by the Colonial Secretary. I was instructed by my Superintendent.
632. You know Mr. Howe, one of the foremen at the Railway Works? Yes.
633. Did you ever tell him that the Colonial Secretary had instructed you to collect information respecting this election? I did not tell him so. I told him I was making inquiry. I saw him there personally at the workshops.
634. Do you remember any time since yesterday week calling on Mr. Howe to excuse two men who were late for their work? Yes.
635. Did you, on that occasion, tell him that you were instructed by the Colonial Secretary to make inquiries and collect evidence? I did not—not that I was instructed by the Colonial Secretary; I never saw the Colonial Secretary.
636. I do not suppose you did, but you might have got instructions? I got my instructions through the Superintendent of Police, Mr. Read.
637. All I want to know is this: did you or did you not tell Mr. Howe that you were instructed by the Colonial Secretary to collect evidence in connection with this petition? I did not tell him so.
638. *Mr. Wise.*] Had a man named Newton been to you and given a description of some man who he believed had ballot-papers? I had seen a man named Newton.
639. And he had given you a description of somebody? Yes.
640. Did you then apply to Mr. Dacey to take out a warrant for a person answering that description? No; not in that case.
641. Did you apply to Mr. Dacey at all for a warrant against anybody? I did.
642. In what case was that? A case of personation at Redfern. A man named Collie was personated at Redfern.
643. You had information which led you to believe that you could recognize the man who personated? I had a witness there—a person who was an official at the table. He said he could identify him.
644. Did he know the name of the man, or did he only identify him by description? By description. The man gave the name "Andrew Collie," and the proper Andrew Collie turned up in the afternoon after he had been personated.
645. Did you then apply to Mr. Dacey for a warrant? I saw Mr. Dacey, and some conversation took place—would he take out a warrant?—and he wanted time to consider the matter. I got an answer in writing subsequently to the effect that after inquiry they had decided not to take out a warrant.
646. You were present, I believe, at the counting of the votes in the New Masonic Hall? A portion of the time.

647. During the time you were there can you say who took the votes out of the two ballot-boxes;—did Sen.-Sergeant J. Bradwell.

648. Mr. Williamson.] When was it that you communicated with Mr. Dacey for the purpose of prosecuting this personator;—how long after the declaration of the poll? It must have been a week or ten days 26 July, 1889.

649. That was after it was publicly announced that Mr. Anderson intended to petition against Mr. Schey's return, was it not? I do not know. I do not think the petition had gone in then.

650. But it was publicly announced that Mr. Anderson intended to petition against Mr. Schey's return? That was generally understood from the declaration of the poll.

651. And it was ten days after the declaration of the poll that you made this application. Might I ask you when you got your information before you made your application;—how long were you in possession of this information about which you speak? It was a week after before I found out about Collie. It was on the Saturday afternoon after that that I saw Collie, and it was Sunday evening before I saw Riley, and that would make it about a week after.

652. Mr. Ryrie.] Were you alongside Senior-constable Meyer at the time when the three ballot-papers which were alleged to be folded up were taken out of the box? I was.

653. Who took those papers out of the box? I could not say.

654. Were you not in as good a position to see as Senior-constable Meyer? I was. I do not know that Meyer had seen them until I nudged him. I never actually saw them taken out of the box. I saw them first when the presiding officer took them off the table to count them.

655. Who was employed in taking the papers out of the ballot-box in which were the three papers that were folded up? Mihell, I believe.

656. And who else? At that particular ballot-box there was Mr. Barnard.

657. No other but Mihell? The other two, the scrutineers, were tallying off, and the presiding officer was counting; so that there would be nobody else. The table was full of papers which were being straightened out.

658. Did you see Mr. Hannigan there? Yes; I saw Hannigan.

659. Was he employed? Yes; I believe he was.

660. Then, if Mr. Mihell has sworn that Hannigan had nothing to do with it he has sworn what is false? I am not very clear about the part that Hannigan took in the matter. I am not very clear on that point. I believe he was straightening out the papers.

661. Mr. Hayes.] You stated in your evidence before the Committee on the 18th July, that you saw three papers folded together as one, and that they were laid on the table and handed to Mr. Alderson? Yes; first handed to Mr. Barnard and then passed to Mr. Alderson.

662. You did not see these papers taken out of the ballot-box? I did not.

663. Were you looking on for any time before you saw this? I was from 4 o'clock until about half-past. I was standing immediately in the rear of the presiding officer.

664. What did the poll-clerk, who was taking the papers out of the ballot-box, do with them as he took out each paper? He was straightening them out and putting them in heaps.

665. What did he do with them after he had put them in heaps? They were passed on to the presiding officer for counting.

666. Was that done in this case? In this case the table was literally covered with papers.

667. Perhaps you do not understand the question. The poll-clerk took the papers out singly and straightened them out in heaps and passed them on to the presiding officer for counting? Yes.

668. And it was then that you saw these three papers? Yes, on the table. The presiding officer took up these three papers in front of him.

669. If the poll-clerk took the papers out of the ballot-box and spread them out on the table in heaps as you describe, how was it that you managed to see these three together? The table was covered with papers. Although he was engaged in doing that, the table was literally covered with papers, and the presiding officer after finishing his heap took up papers from in front of him and amongst them were these three papers—immediately in the front of him; and when he turned them over I saw they were initialled by Mr. Alderson. He looked at them after turning them over, and passed them over to Mr. Barnard alongside of him, and Mr. Barnard passed them over to Mr. Alderson.

670. Did the poll-clerk do that? I do not know in what capacity they were acting.

671. Mr. Williamson.] You say you saw these three ballot-papers opened out? Yes.

672. There are three pieces of paper, representing three ballot-papers;—can you show the Committee how the papers were folded? [Witness folded the papers.]

673. Senior-Constable Meyer was in as good a position as you were to see how the papers were folded? I presume he was.

Mr. Andrew Collie sworn and examined:—

674. Mr. Wise.] You are an elector of Redfern? Yes.

Mr.
A. Collie.

675. Did you vote at the last election? No; I did not. I was personated.

26 July, 1889.

676. You did not vote? I got my paper at the door, but I did not vote.

677. You came to claim your vote and found that somebody else had voted for you? Yes, I was eunched.

678. Mr. Williamson.] What do you mean by saying that you got your paper at the door of the polling-booth? I got my paper downstairs at the entrance, and when I carried it upstairs to give it to the poll, clerk, in order to get a ballot-paper, it was rejected. I think my name ought to have been scored out downstairs as well as up above.

679. It was not scored off downstairs? No.

Mr. John Bonynge Taylor sworn and examined:—

680. Mr. Wise.] I believe you were acting as scrutineer for Mr. Anderson at the Redfern election? Yes.

Mr.
J. B. Taylor.

681. Mr. Dacey I believe was the presiding officer at the Redfern booth and also returning officer? Yes.

26 July, 1889.

682. Did you see him acting in any way that you thought was improper; and, if so, what was he doing? Yes, I did, in this way:—In the first place there was a voter who went with his ballot-paper from L M table, and this voter was standing in the centre of the room, or near about the centre of the room, and

Mr.

- Mr.
J. B. Taylor. Mr. Dacey went up to him and was speaking with him, and putting his finger across Mr. Anderson's name.
26 July, 1889. 683. Had the voter at that time his ballot-paper? Yes; and Mr. Dacey followed him up to the box where he had to scratch the name out.
684. Was Mr. Dacey standing by him when the name was scratched out? He followed him up to the box, and he tried to find a pencil, and then went back again to the box.
685. With a pencil? No; he could not find one.
686. Do you know the name of that voter? No.
687. Can you tell me anything else that you saw? I got up then from my table, and went to L M table. The scrutineer, Mr. Ogilsby, was sitting there, and I drew his attention to it.
688. Did you notice anything else? There was another similar thing. I did not know that he came from the far end of the room, this voter, and he went up and was speaking to him, and the voter had his paper in his hand at the time, and hadn't voted, and he had finished speaking to him, but did not follow him to the box. The voter went and voted, and put his paper into the ballot-box.
689. Did you see Mr. Dacey mark it? No; only in the first instance I saw him put his finger across the name.
690. Did you see him do anything else of a similar character? That was all I took notice of. This was not within my hearing when he was speaking to these voters, and not within the hearing of the other scrutineers.
691. Did you make any remonstrance with Mr. Dacey about this? No; he went away. I could not run about after him. I was sitting at the table; I had to mind my own business. The reason why I could notice all this was because I had a very easy duty to perform—N to Q I was sitting at.
692. At the conclusion of the counting did you make any request to Mr. Dacey? Yes.
693. What was it? After we had checked off the votes I wished to have the official tickets with the numbers from the outside poll-clerks counted; also the ballot-papers unused, and the ballot-papers used. They declined to do so—both Mr. Vaughan and Mr. Dacey.
694. *Mr. Frank Smith.*] What do you call the official tickets from the outside poll-clerks? The official tickets are from the Government Printing Office. Voters cannot bring their number up except with these official tickets. There is a heading printed on them, and the outside poll-clerk sends up a number with pencil on. If they bring up a private card of any description with a number on it is not recognized.
695. *Mr. Wise.*] The numbers that are given by the outside poll-clerks? Yes; the official tickets are given by the poll-clerks outside.
696. Were the official tickets you mean, tickets with numbers on—the numbers voted? No; there was no other printing on that I noticed. They were the only tickets recognized by the presiding officer. They had to come from the poll-clerks outside the booth.
697. But do they not contain the number of votes? Yes; I wanted these counted.
698. And you say they were on a special official form on this occasion? Yes.
699. Did anybody besides the officials assist Mr. Dacey in counting the votes? No.
700. Do you know Mr. Parr? Yes.
701. What was he doing? I do not know what capacity he was in, but he was all over the room.
702. Was he present at the counting? No.
703. Who was acting as poll-clerk from L to M? I do not know; it was a boy.
704. About what age did he appear to be? I suppose sixteen or seventeen. I am going by my own idea.
705. You do not know his age, but he looks quite a boy? Yes; he was not seventeen years, I believe. What made me take particular notice was that Mr. Lucas came and got his ticket from him. The man at the R T table drew my attention to the contrast.

Mr. William John Ogilsby called in, sworn, and examined:—

- Mr. W. J.
Ogilsby. 706. *Mr. Wise.*] Were you one of Mr. Anderson's scrutineers at the late Redfern election? Yes.
26 July, 1889. 707. Did you see the returning officer do anything which in your opinion was improper; and, if so, what? I saw one of the voters come up to the table to vote. Those who did not know how to vote he asked if they knew how to vote. Some would say no, and then he would instruct them.
708. How? He would tell them if they wanted to vote for one person to leave it on the paper; but if not, to strike it off. Then I saw him follow the voters to the ballot-box. He followed them in several instances to the box. What occurred there I do not know. In all other cases they were struck out before the scrutineers.
709. In some cases they were struck off in the box, and Mr. Dacey was present in the box? Yes; behind the voter.
710. Was anyone else present to see or hear what was done or said? No.
711. In how many cases did that occur? Two or three I know particularly. One of the other scrutineers drew my attention to it.
712. Did you remonstrate in any way with Mr. Dacey? No; I saw it occur at a previous election.
713. Who was the returning officer at the previous election? Mr. Dacey.
714. *Mr. Williamson.*] Were you engaged at the same table as Mr. Dacey was sitting at? No.
715. How far were you from Mr. Dacey's table? He was walking about the whole time.
716. Did he never sit down at all? Very rarely. When the presiding-officer wanted to go down for anything he took his place at the table.
717. Do you know of any voters who came up there who could not read or write? I do not know their names.
718. Do you know the names of any voters to whom he spoke? No.
719. Did you mention this circumstance to anybody since the election? Only at Committee meetings.
720. How long after the election? The same night.
721. Did you say nothing to Mr. Dacey at all? No; I did not at this election.
722. Judging from the way in which you express yourself here, you have some knowledge of carrying on elections? Yes.
723. If you thought that Mr. Dacey was acting in an improper manner why did you not remonstrate with him?

- him? I did so during the previous election; but he told me that it was the returning officer's duty to do that.
724. Notwithstanding your knowledge, you accepted that as correct? Yes; I thought it was left to the returning officer's discretion, and that was the reason why I did not remonstrate. Mr. W. J. Ogilsby.
26 July, 1889.
725. Who has been tutoring you since that it was incorrect? No one at all.
726. No one at all? No; I do not know whether it is correct or not.
727. Has no one at all been speaking to you on this particular subject? No.
728. Have you given any testimony before coming here? Yes; anything that occurred there.
729. To whom? To Mr. Anderson's committee.
730. To anybody else? No.
731. Did you to Mr. Hawkins, who is here? Yes; he was at the committee meeting.
732. The same night? No.
733. How long afterwards? Two or three nights afterwards.
734. Was that the first time you spoke of it after the declaration of the poll? I spoke at the declaration of the poll, and we had a meeting afterwards on the question.
735. *Mr. Ryrie.*] Was there any complaint lodged against Mr. Dacey at last general election except your own? I think other scrutineers spoke of it.
736. On other matters? No; only in respect to going behind the voters.
737. At last election? Yes.
738. *Mr. Williamson.*] You do not know what the voters said to him? No; I do not know anything about what occurred.
739. *Chairman.*] Will you explain to the Committee whether it was Mr. Dacey's practice to accompany every elector to the ballot-box? No.
740. Or only those who had signified that they did not know how to read or write? Yes; those who did not know how to vote—not read or write.
741. Would it be the class of men generally known as "marksmen" who cannot read or write? I should say yes.
742. I want you to let the Committee know clearly whether it was that class of electors whom the returning officer accompanied to the ballot-box, because you led us to believe that he accompanied the electors to the ballot-box and then erased the name for them? Oh no, they did it themselves; he did not erase any names for them.
743. While you were at the table did you hear any of those men asking any question that would lead you to believe that they could not read or write? Yes; some of them said they could not.
744. What would the returning officer do then? The names were struck off in the presence of the scrutineers.
745. He would ask the voter for whom he wished to vote, and he erased the name? Yes; I saw that done at the table.
746. I want to clearly get at this: Did he, while he accompanied any elector to the ballot-box, erase a name at the ballot-box? Not to my knowledge.
747. Do you know if there was any apparent reason why he should accompany any elector to the ballot-box? No; I cannot give any reason. He simply instructed them. He let them go across, and he went behind.
748. Did any elector call him aside privately as to the names? Not to my knowledge.
749. Do you think that any elector, being unable to read or write, would be somewhat ashamed to make his ignorance known in public, and therefore would ask the returning officer quietly? I never heard anyone do that.
750. Had you ample opportunity from where you sat of seeing whether a name might be erased or was erased? Yes.
751. *Mr. Wise.*] Was there any reason in your opinion why he should accompany them to the ballot-box? No; I simply state what I saw.
752. You saw no reason? No; I saw him go into the box with some men, and not with others. When the names were struck off in the presence of the scrutineers, it was when the voters could not read. There is one other case which I might mention: a voter got a paper and took it across to the ballot-box, but he made a mistake and brought it back to the presiding officer. He wanted another ballot-paper, but of course he could not get it. He said he made a mistake. He said he did not want to vote that way. Mr. Dacey came across and held the paper. Mr. Schey's name was left on, and it was demanded that it should be put in the box. The man refused, and wanted to destroy it. Mr. Dacey wanted to call the constable to arrest him for destroying Government property. He then put it in the box.

Mr. Arthur George Mihell recalled:—

753. *Mr. Wise.*] Was any opportunity afforded you to inspect the ballot-box used by Mr. Alderson previous to its being locked up for receiving the ballot-papers? No; I never had anything to do with that box. Mr. A. G. Mihell.
26 July, 1889.
754. *Mr. Williamson.*] Had you anything to do with the other ballot-box? Yes; what I said before was, that I took all the ballot-papers out of one box.
755. But before the ballot-papers were put in either of them? I did not go to that table at all.
756. You had nothing to do with either ballot-box, except taking the papers out after polling? Yes.

Mr. John Roland Dacey called in, sworn, and examined:—

- 756½. *Mr. Wise.*] Were you returning officer at the last Parliamentary election at Redfern? Yes. Mr. J. R. Dacey.
26 July, 1889.
757. Did you fix the New Masonic Hall as one of the polling-booths? No. They fixed it in the Colonial Secretary's office. I might state that it is not usual for them to do so, but the polling-places were created so late that they thought it would aid me if they secured a building.
758. Was it done at your suggestion? No.
759. Then who do you say did secure the building. Had you any communication with anyone about it? No, I believe this chief clerk in the Colonial Secretary's office secured the building.

- Mr. J. R. Dacey. 760. Had you any communication from him to say that it was secured? Yes, a verbal one, when I called here on the following day.
- 26 July, 1:89. 761. Do you mean Parliament House? Yes, the Legislative Assembly Chambers.
762. Whom did you see? I saw Mr. McKenny.
763. You were satisfied that it was a recognised polling-booth; that is all I want to know? Yes.
764. Whom did you appoint as poll-clerks to that booth? Myhill and Hannigan.
765. On the day before the day fixed for taking the poll did you give each of them a certified copy of the electoral roll? No, it was given into the possession of the presiding officer.
766. How many copies did you give to the presiding officer on the day of the poll? Three.
767. Who was the presiding officer? Mr. G. F. Cook, of Burwood.
768. For whose use were these three rolls intended? One for each of the poll-clerks, and one for his own use.
769. In the course of the day, that is the day of election, did you yourself make any other appointment? I appointed a deputy returning officer.
770. Was that appointment in writing? Yes.
771. Do you produce it? The deputy has it.
772. Who is he? Mr. Vaughan.
773. You appointed him deputy then? Yes.
774. And is that the only gentleman that you appointed during that day? No; I appointed a poll-clerk and sent him to the New Masonic Hall—a man named Newton.
775. Then are these two the only gentlemen that you appointed during that day? That is all.
776. Was Mr. Vaughan the deputy returning officer at the New Masonic Hall booth? No; I appointed Mr. Vaughan as my deputy to go to Waterloo and the New Masonic Hall and to act in my absence.
777. Will you let the Committee understand exactly to what position Mr. Vaughan was appointed? He was appointed to act in my absence.
778. In what way? If I should be absent from the booth.
779. You yourself were able to act that day as returning officer? Yes.
780. Then you did act on that day? Yes.
781. You were not prevented yourself from attending at the booths? No; not at Redfern.
782. Now will you state what was your reason for appointing a deputy returning officer? When I appointed this officer I took the advice of an expert as to how I should act, and he told me that when there were a number of booths all in one building, the returning officer should supervise the lot, and that in case of his absence he should always appoint some one who would hold a written authority as his deputy for fear of any flaw. I appointed Mr. Vaughan at the first election, that is the one previous to this, and at this election under that advice from Mr. Solomons who is in Gordon and Gotch's building.
783. The poll was taken on the 8th July, was it not? Yes.
784. When did you send the ballot-papers in? On the 12th.
785. What was the reason for the delay in sending them in? Delay.
786. Yes? The election took place on the Monday; I did not offer to send them in on the Tuesday, but on Wednesday I gave instructions for them to be sent in. I told Mr. Vaughan. I went to the Council Chambers at about 3 o'clock and I asked Mr. Vaughan if the ballot-papers had been taken in and he said "no." I said, "If the man is not here by a quarter to 4 do not let them go to-day for fear they might be brought back again; I do not care that that should be done."
787. On what day was that? On Wednesday. I came in here to the Legislative Assembly Chambers wanting to see if the man had brought the papers in. I saw Mr. Webb, the chief clerk. I told him I was waiting for the man to bring the papers in. He said, "They are not here." I said, "I told him not to send them in if the man was not at Alexandria before a quarter to 4." Mr. Webb then said it did not matter as there was no particular hurry for them. However, I wished to have them in; I did not want the responsibility of looking after them; the papers did not come in that day, and on the following morning, Thursday, the man called at the Town Hall for them; it was raining heavily and Mr. Vaughan told him he must get a tarpaulin and if he could not get it he would not allow the papers to go out in the wet; the man tried to borrow a tarpaulin, but could not get it, and he did not take the papers in until the next morning—that was Friday.
788. Who was the man? Loveridge.
789. Where were all the papers collected? I had a boot trunk at the Redfern Town Hall on the day of the election, and as the parcels came in from the different polling-booths they were deposited in the trunk.
790. On the night of the election then all the ballot-papers used in the election were deposited in the trunk? Yes, in parcels.
791. Was each parcel numbered and sealed? Yes.
792. By whom? By the presiding officer.
793. Were the rolls which had been used by each presiding officer also sent in with these parcels? Yes.
794. Were they tied or sealed in any way? I could not state positively; I am under the impression that they were.
795. When they came into your possession were they tied or sealed? I believe they were.
796. Tied or sealed, or both? I took the packets from the presiding officers personally, and I presume that each roll was placed in the parcels according to my instruction.
797. Did you receive any rolls on that evening that were not in the packet? Yes; all the poll-clerks' rolls.
798. Did you receive any presiding officers' roll which was not in the packet? Not that I remember.
799. But you did receive the poll-clerks' rolls outside the packets? Yes.
800. And to the best of your belief you will swear that all the presiding officers' rolls were, in accordance with your instructions, put inside the packets and sealed? Yes.
801. Did the rolls also come in on the Monday night as well as the packets of papers? Yes; they came in altogether.
802. Was the boot-trunk locked in any way? Yes; there was a lock and key on it.
803. Was it locked after the papers were put in? As the returns came in —
804. Will you answer my question;—was the box locked up on that night? It was tied up and sealed; at least so I understood from Vaughan.

805. Did you lock it that night? No; my deputy was present making up the returns, and as soon as he got the last return in his statement was handed to me, and I immediately went out to declare the poll to the people. While I was declaring it Mr. Vaughan secured the box, and it was gone when I came out.

Mr.
J. R. Dacey.
26 July, 1889.

806. From that moment when did you next see the papers? I saw them next morning, when I initialled the parcels.

807. You initialled them? Yes; I signed my name to each packet.

808. Did you open the packets for that purpose? No.

809. What then became of the papers? They were locked up in my room in the Town Hall.

810. Who had the key? Vaughan.

811. Still I do not understand why it was that you did not send in these papers until Friday. Have you any other explanation to give, except that which you have already given to the Committee? Not that I am aware of.

812. Were you not aware that a petition was going to be presented? Yes.

813. You became aware of that on the Tuesday morning? On the Monday night.

814. Were you then aware that one of the allegations in the petition would be that there was an inconsistency in the votes recorded and the votes counted? No.

815. I suppose you see the morning papers and read them? Not always; I have not read to-day's.

816. Did you see that it was alleged in the *Evening News* on the Tuesday that there had been double-voting at Redfern and Alexandria? I do not remember.

817. You did not see that stated in any paper? I remember seeing a copy of the petition in the *Daily Telegraph*.

818. I am not speaking of that; but before that date had you not seen it alleged in the *Daily Telegraph* of Tuesday, and in the *Evening News*, that there had been considerable double-voting at Alexandria and Redfern? I am not prepared to swear that I did see it.

819. Are you prepared to swear that you did not know on the Tuesday that the allegation was made? I am not prepared to swear that I did on the Tuesday; I have not a distinct recollection on the point.

820. You may have heard it without seeing it in the papers. Are you prepared to swear that you did not know on the Tuesday that that was one of the allegations made by Mr. Anderson and his supporters? It was utterly impossible for me to know what the nature of their allegations was.

821. But, as a fact, will you swear that you did not know on the day of the election the nature of the allegations made by Mr. Anderson and his supporters? That I did not know the nature of the allegations of Mr. Anderson on this date.

822. On the day of the polling? Decidedly I did not know; I had no connection with Mr. Anderson and I could not take notice of idle rumours.

823. Did you not know on the Tuesday, then, that it was alleged that there had been considerable double voting between Alexandria and Redfern. I want a plain answer to that question—yes or no? If I am to go by rumour I might say yes.

824. Now knowing that there was a rumour to that effect why did you keep these packets of papers and the rolls until Friday locked up apparently in a boot-chest? I think I have stated that I gave instructions that they were to be sent in on the Wednesday.

825. Have you no other explanation to offer than that which you have already offered? Nothing beyond that.

826. Was the lock of this boot-trunk of any peculiar construction? If I remember right Mr. Vaughan bought a little padlock for it.

827. Did you yourself do the locking? The box was taken to the Mayor's room at the Alexandria Town Hall; it was tied up and sealed with sealing-wax. I believe that the lock of the boot-trunk broke at Redfern. Vaughan, I believe, tried to open it and broke it in the morning.

828. Did you seal the box yourself? Vaughan sealed it.

829. When did he seal it? After I had initialled the packets.

830. On the Monday night? On the Tuesday morning.

831. Is the box you see behind you the box containing the ballot-papers used at the last Redfern election? Yes.

832. That is the condition into which it was put on the Tuesday morning? Yes.

833. Where was it lying all Monday night? In the Mayor's room, at the Alexandria Town Hall, locked up.

834. I thought you said it had no lock to it? It was locked up in the room.

835. Is that box in the same condition as when it left your possession? Exactly the same.

836. *Mr. Wise.*] You see there is no lock upon the box, so that you must have been mistaken in swearing in the first instance that it was locked; and secondly, that it was padlocked? I did not swear any such thing; I never swore that it was locked at all; I said the room was locked.

837. Did you not swear that a small padlock was put on it? That it was put on the box—yes.

838. *Chairman.*] You mean this box? Yes.

839. *Mr. Wise.*] When was it put on? On the Saturday.

840. Do you mean the Saturday before the poll? Yes.

841. Then when was it taken off? The box was taken to the Redfern Town Hall, containing the ballot-papers and the rolls, and so forth, locked up. Mr. Vaughan informed me that when he went on Monday to take out the ballot-papers he had to break the lock.

842. Was the padlock on it on the Monday night? No; Vaughan broke it on the Monday morning.

843. You told me when speaking of Monday or Tuesday that the padlock was then on the box; I want to know when you first saw it on the box? On the Saturday night.

844. When did you last see it there? On the Monday.

845. After 8? No.

846. During all the answers you were giving me 5 minutes ago, will you swear that you were referring to Saturday? With reference to the lock?

847. Yes? I swear I was.

848. You wish the Committee to believe that when I asked you these questions as to whether the box was locked, speaking as I was with reference to Monday and Tuesday, you gave your answer speaking of Saturday? With reference to the padlock. So far as the security of the box goes it was locked up in my room.

- Mr.
J. R. Dacey. 849. But as to the padlock? Yes.
- 26 July, 1889. 850. Then you wish that to be your evidence? Yes.
851. You now swear that you sealed the box on Tuesday morning? Vaughan sealed it.
852. Then we may take it that immediately after the declaration of the poll until the seal was put on these papers were lying in an unlocked open box? They were lying in this box tied up.
853. With no lock on the box? No; I may say that we are not required to send the papers in a box, we are required to send them in in parcels.
854. Immediately after the declaration of the poll did not Mr. Anderson demand a recount? Yes.
855. Now, I ask you did you not consider it your duty, as presiding officer, seeing that Mr. Anderson had demanded a recount, to take particular care of the ballot-papers and of the rolls? So I did.
856. You consider that you did take particular care in leaving them in an open box in a room at the Council Chambers? I put them under lock and key, I could take no more care than that.
857. You allowed them to remain in an open box in a room at the Council Chambers? The box was sealed and tied up, and was locked in the mayor's room at the Alexandria Town Hall.
858. Was it sealed up, do you say? Well that I could not say.
859. Did you not swear ten minutes ago that it was not sealed till Tuesday? I do not know what Vaughan did when he took the box away while I was making the declaration of the poll.
860. Have you not sworn that you saw Vaughan seal it up on the Tuesday? Yes, after I initialled the papers on the Tuesday, but you are alluding now to Monday night.
861. Who had the key of the room in which the papers were kept on Monday night? Vaughan.
862. Was there no other key? Not that I know of.
863. Whose room was it? The mayor's room.
864. And you say that there is only one key to the mayor's room? That is all I know of.
865. Has not the caretaker a key? No, Mr. Vaughan is the caretaker.
866. Do you think it was your duty as returning-officer, seeing that a recount had been demanded, to have kept the ballot-papers so long in your custody? It was not my desire; I desired that they should be sent in on Wednesday.
867. You see, do you not, that it opens the door to the suspicion of the papers being tampered with? Of course it might do so.
868. Who took the papers from the Council Chambers at Redfern on Monday night? Vaughan.
869. Was a man named Barnard helping him? Not that I know of.
870. Will you swear that he did not help to carry these packets of papers out of the Redfern Town Hall? I could not say; I was out on the balcony making the statement.
871. What position had Barnard in connection with the election;—had he any official position? He was a scrutineer.
872. Who appointed him? I presume Mr. Schey.
873. Did you authorize him to act as a poll-clerk? No.
874. Was Thomas Alderson an official connected with the election? He was a presiding officer.
875. Who appointed him? Mr. Vaughan.
876. Without your authority? I sent Mr. Vaughan.
877. Will you answer my question;—was it with your authority? Yes, in an indirect way; I gave Vaughan full power. I sent him to the New Masonic Hall to see that everything was going on all right, and I told him that if anything occurred which was not right he was to adopt measures to set it right; I considered that authority sufficient if he thought that an extra presiding-officer was required.
878. Can you point to any section of the Act authorizing you to appoint a deputy returning-officer with power to appoint presiding-officers? I do not think I could.
879. Chairman.] How long have you acted as returning-officer for the electoral district of Redfern? I have acted since the last general election.
880. Then you have acted on two occasions? Yes.
881. On the occasion of the last election how many polling-places were there in the electorate, and what were their names? There were polling-places at Redfern, Alexandria, Waterloo, Botany, and Sydney.
882. At Sydney, the New Masonic Hall? Yes.
883. Were all these polling-places advertised? Yes.
884. Was there a division at each or any of these polling-places; for instance did you divide them by letter? Yes; there were eight divisions at Redfern.
885. Take Redfern first;—can you tell me how the letters ran? I could not state definitely how the letters ran, but the alphabet was divided into eight divisions.
886. And were there eight ballot-boxes there? Yes.
887. Was there a division at any other polling-place? At Alexandria the alphabet was divided into two.
888. And were there separate ballot-boxes? Yes.
889. Were there divisions at any other polling-place? Yes, at the New Masonic Hall. About dinner-time there was another presiding-officer appointed there.
890. How many voting places were there at the New Masonic Hall? Two.
891. Will you be good enough to give me the names of the presiding officers you appointed to act at each of these polling-places? John Skinner at Redfern, Arthur Skinner at Redfern, George Garten at Redfern, N. Collins at Redfern, Joseph Hinchliff at Redfern, George Matthews at Redfern, E. Berry at Redfern, and Hodges at Redfern.
892. And at Alexandria? James Ralph and William Marr.
893. And at the New Masonic Hall? G. F. Cook and Thomas Alderson. At Waterloo James Spicer, and at Botany J. J. M'Fadyen.
894. Were those all the presiding officers? Those are all.
895. Were they all appointed by you? All with the exception of Mr. Alderson who was appointed by Mr. Vaughan.
896. Do you know whether they made their declarations? Yes.
897. Are you a Magistrate? No.
898. Do you know before whom they made them? The majority I think before Mr. Smith, J.P., of Waterloo.
899. I should like a list of the poll-clerks of each of these polling-places? I have not that with me but I will furnish it.

900. At which polling-place did you preside? At Redfern.
901. At which place did Mr. Vaughan, whom you have said you appointed deputy returning officer, preside? He was not in charge of a box anywhere.
902. He did not preside? He did not actually preside.
903. Do you know if any of your presiding officers were prevented from attending by illness or other sufficient cause and had to appoint any person to act in their stead? Not that I am aware of.
904. Under what section of the Act did you appoint Mr. Vaughan a deputy returning-officer? I took an expert's advice, the advice of Mr. Solomons, and he advised me to do this. I was guided by him and he was recommended to me by the chief clerk.
905. Have you read the Electoral Act? Yes.
906. And do you know that there is no provision made in that Act for the appointment of deputy returning-officers? In reading it over last night I was certainly struck with the opinion that there was no such provision.
907. How many ballot-papers had you printed for this election? Speaking from memory I think about 9,000.
908. Can you tell me where they were printed? At the Government Printing Office.
909. Was there any distinctive mark upon all these ballot-papers, such as the printing-office impress? I could not say.
910. Will you be good enough to tell me how you apportioned these ballot-papers among the different polling-places? Speaking from memory I believe we gave out 800 for each presiding officer.
911. I want you to be certain about this? I am under the impression that we gave 800 to each presiding officer.
912. But you are not quite positive? No.
913. Did you issue the papers yourself? Mr. Vaughan issued the papers, and made up the packets for each presiding officer—he would be more clear on the point than I am.
914. Could you tell me how many of the number of ballot-papers issued you received back from each presiding officer? They are sealed up in each presiding officer's parcel.
915. You know, of course, how many were required of each? Yes. I had a printed statement furnished to each presiding officer, who had to fill in figures the number of papers he received, and the number that were used; the remainder, of course, appeared on the return. This return was filled in by each presiding-officer, I presume, and the balance would be sent to the Colonial Secretary's office.
916. I understood you to say that you furnished each presiding officer with a certified electoral roll? Yes.
917. Certified under your hand? Yes.
918. Did you have any examination made of these electoral lists after the close of the poll? No.
919. Did you compare the number of votes ticked off on the roll with the number of votes polled? No, I had too much work to do; besides it would not be reliable; the poll-clerks often make mistakes, and give the wrong numbers.
920. Did Alderson receive his appointment under your hand? No; he was appointed by Vaughan.
921. Do you know whether he made his declaration? I believe he made his declaration before Mr. Stephen.
922. Did you appoint an additional polling-clerk at this time? Yes, a man named Newton.
923. Did he make his declaration? That I could not say.
924. After the close of the poll did you receive the used ballot-papers in sealed parcels from each of the presiding officers? Yes.
925. What did you do with them? The used and the unused papers were sealed up in the packets.
926. Then you do not know if the unused ones were really there? I do not know positively.
927. So far as your official duties are concerned, you believe that all the papers used are in these sealed packets? The papers of every description.
928. When did you receive them? On the Monday night just before the poll was declared.
929. What did you do with them? I put them in this box.
930. And where was that box put? It was in a room about the size of this. Vaughan was there. It was at the Redfern Council Chambers, and as each parcel came in while he was making the return up I put them in this box. As soon as the last return came in he handed me the list of returns, and I left him in charge of the box and went out on to the balcony.
931. Did you seal up your own ballot-papers at the polling-place at which you presided? At Redfern all of our papers were sealed under my supervision.
932. And you collected the whole of the papers together in this box? Yes.
933. On Monday night it was left unlocked and unsealed? I was under the impression that this box was in the state that it is now with the exception of the seal.
934. You left it unscaled and unlocked, locked up in a room at the Alexandria Council Chambers? Yes.
935. Who had the key of the room? Vaughan.
936. Does he keep the key? Yes.
937. How long did the box remain there? It remained there till Friday morning.
938. Did you take possession of the key from Vaughan? No, I had not possession of it at all.
939. He had possession of the key continuously? Yes.
940. You had no occasion to refer to the documents or papers in that box while it was in the room at Alexandria? No, only to put my name on each packet.
941. When did you do that? On the Tuesday morning.
942. You had access to the papers after Monday night then? Yes, with Mr. Vaughan.
943. He was present? Yes.
944. Who sealed up the box before it was despatched to the Legislative Assembly Chambers? Vaughan.
945. Did you see it before it was despatched? Yes.
946. You saw it after it was sealed? I am not quite clear about that.
947. When you finally instructed Vaughan to send the box to the Legislative Assembly Chambers was it then sealed? The last time I saw the box on the Tuesday morning Mr. Vaughan called me in to sign each packet. He then put them in the box and tied it up. I then left. I could not be sure whether the box was sealed before I left the Town Hall or not.
948. As a matter of fact you cannot swear positively that that box was sealed when you last saw it? I am under the impression that it was, but I could not swear it.
- Mr.
I. R. Dacey.
26 July, 1889.
- 949.

Mr. 949. Did you see it after that before it reached the Legislative Assembly Chambers? After Tuesday morning?
J. R. Dacey. 950. Yes? No; I am not aware of seeing it afterwards. I do not remember being in the room after that.
26 July, 1889.

951. *Mr. Hayes.*] When you initialled the sealed parcels received from the different presiding officers on the Tuesday morning did you notice that any of the parcels were in any way tampered with? They were not tampered with in any way.

952. Immediately after they were put in that box you sealed it, or saw it sealed by Vaughan? No; Vaughan proceeded to tie up the box, and to seal it. I would not swear that I saw him seal it, but I am under the impression that I did.

953. *Mr. Frank Smith.*] How often were you at the Masonic Hall on the day of the election? Not at all; I was at Redfern.

954. Did it come to your knowledge that any of the ballot-papers were out in the street in the hands of any one? No.

955. Have you any means whatever of telling the Committee whether the balance of unused ballot-papers corresponded with the number of votes polled? It will be shown by the returns.

956. But you have no memorandum of any kind? No; I am under the impression that the number of unused and used papers make up the totals received by the presiding officers. I understand so from the presiding officers.

957. *Mr. Williamson.*] Did Mr. Anderson approach you on the day of the election with regard to additional assistance at any of the polling-booths? Yes; at Waterloo.

958. Did you grant that assistance? I sent Vaughan over there. He came back, and informed me that no assistance was required; consequently I did not appoint any one.

959. Vaughan is your council clerk, is he not? Yes.

960. And he is a trustworthy officer? Yes.

961. He resides alongside of the Town Hall, does he not? Yes.

962. His residence is provided for him by the Council? Yes.

963. *Mr. Frank Smith.*] Was Mr. Oglesby a scrutineer? I cannot remember; I do not know the scrutineers' names.

964. Did you show anyone at the Redfern polling-booth during the day how to vote? Yes; those who stated that they were unable to vote.

965. No one else? No.

966. Did any man come and ask you which way he should vote. Were you sitting at the table all day, or were you walking about the polling-booth? I was passing from one table to another; disputes were continually arising.

967. Did any man ask you how he should vote, and talk to you with a ballot-paper in his hand respecting the candidates in any way? No. One man came to me in the centre of the floor, and said he wanted to vote for Mr. Schey; I told him to go back to the table to the presiding officer; he went to the table and the presiding officer recorded the vote for him.

968. Were there many votes recorded by persons who could not read or write in your booth that day? No; I do not think there were.

969. Not many? No.

970. *Mr. Street.*] Was any report made to you about a large number of personations taking place on that day? No.

971. Did the police subsequently apply to you for the arrest of any person for personation? Yes; very often disputes arise at the table. Men come in and it is found on reference to the list that some one has voted for them. It appears that one man came up to one of the tables, and he was told that his vote was taken. I am informed that the poll-clerk said, "It is all right; I know who personated you." I did not know this till afterwards. I called for a report from the presiding officer, and he did not think that this poll-clerk was to be taken much notice of. It seems that he was acquainted with him, and that he did not consider it worth while paying much attention to what he said; he took no notice of it, and he would not advise that a warrant should be issued on this poll-clerk's statement.

972. *Mr. Wise.*] Who was that presiding officer? John Skinner. I furnished a copy of the report to the police.

973. *Mr. Street.*] You declined to issue a warrant for the man's arrest? Yes; without the recommendation of the presiding officer.

974. *Mr. Wise.*] Did those persons, whom you showed how to vote, vote in the presence of the scrutineers of each candidate? Yes; at the table.

975. In every instance? Yes; in every instance.

976. Did you in any instance accompany a voter to the ledge upon which they strike out the names of the candidates and stand behind him while he did it? Decidedly not.

977. Then if that has been sworn to by two witnesses it is false? Yes.

978. You said that on the Tuesday morning you signed or initialled the packets of ballot-papers? Yes.

979. Why did you not do it on Monday night? Well, really I do not think that after such a day's duty I was called upon to go and initial these papers at night.

980. That is your answer? Yes.

981. What was the necessity for initialling them at all? Just to show that they were the packets I received. Vaughan suggested that I should do it, and I did so.

982. If the initials signify that, does it not strike you that it ought to have been done immediately the packets were received? No; they were virtually in my possession all the time.

983. You say you received all the papers on the Monday night? Yes.

984. Can you swear that in every case the roll forwarded with the papers was inside the packet? I could not without examining the papers, which I could not do.

985. At what polling-place did you preside? I was in charge at Redfern.

986. I believe you have taken a prominent part in politics in the Redfern electorate? I do not think so—not more than the ordinary run of people.

987. How long have you been a resident in the Redfern electorate? Five years.

988. Did you come from Victoria then? Yes.

989. You appointed Mr. Cook one of the presiding officers? Yes.

990.

990. What knowledge has he of this electorate? He had acted previously.
991. On your appointment? Yes.
992. Do you know that he had only lived in the electorate a few months? Mr. Cook lives at Burwood.
993. Does he not live at Redfern? He has an establishment there, and he has an establishment at Newcastle also.
994. Did you not know that he had only lived in the Redfern electorate a few months? No; I think he had lived in it twelve months; he had a draper's shop in the Botany Road.
995. Did you appoint a boy named Currie a poll-clerk? Yes.
996. Do you consider it a proper thing to appoint a boy to such a position? I go by competency, not by age.
997. You consider it proper then to appoint a boy? Provided he is qualified.
998. *Chairman.*] What was the age of the boy? Seventeen.
999. *Mr. Wise.*] What are the qualifications for these clerks? A boy with sharp sight might be able to find the numbers very quickly; in this case I think they were found more quickly than by the other two put together.
1000. Is it not necessary that this officer should have some personal knowledge of the electors in order to prevent personation? No; I do not think so.
1001. Don't you think for the same reason that it is desirable to make all your presiding officers men of long personal acquaintance with the electorate? No; I do not. A man may be so occupied that he would not see the party to whom he was giving a vote.
1002. *Chairman.*] After the poll had been taken, or during the progress of it, did any elector or any other person make any complaint to you that any of your presiding officers or clerks had committed irregularities in the discharge of their duties, or had done anything considered to be improper? No, I may state that one of the presiding officers, I cannot remember which, told me that he had sealed up his clerk's roll instead of his own.
1003. *Mr. Wise.*] Will you swear that that was not Cook or Alderson? I am under the impression that it was MacFadyen of Botany.
1004. What had become of his own? His own is there too.
1005. When did you receive it? On the Monday night.
1006. Can you remember whether Barnard brought you any roll or parcel of ballot-papers? I cannot remember that he brought me any roll or ballot-papers. Alderson brought me a packet and Cook brought me his; in fact each presiding officer brought his own.
1007. *Mr. Frank Smith.*] Alderson was appointed by Vaughan? Yes.
1008. I notice that there is a bundle of rolls in the box—what rolls are they? The poll-clerks' rolls.
1009. *Chairman.*] The official rolls are rolled up with the ballot-papers? Yes.
1010. *Mr. Street.*] And you say that all these packets came in sealed up as they are on Monday night? Yes.
1011. Did you certify each copy of the rolls used by the presiding officers? Yes. With reference to the question which Mr. Wise has asked me as to the position I have taken in the electorate I have received this letter from the Hon. John Sutherland's Committee, and I will read it because I think it might help to explain matters:—

Sutherland Committee Rooms, Regent-street, 4 February, 1889.

R. Dacey Esq., Returning Officer, Electorate of Redfern,—
Sir,

We the undersigned beg to acknowledge the courtesy and great facilities afforded by you to us in the conduct of the election just completed, and also your strict impartiality in taking the votes. We do this spontaneously, believing you deserve the same.

We are Sir, on behalf of the Hon. John Sutherland Committee,
Yours very faithfully,
G. A. TAYLOR, Hon Sec.
JAMES PICKERING, for the Committee.

P.S.—You are at liberty to use this in any way you may think fit.—J.P.

1012. *Mr. Williamson.*] This is not the first occasion on which you have acted as returning officer? No.
1013. On a previous occasion upon which you acted Mr. Anderson was a defeated candidate? Yes.
1014. He did not make any complaint about your conduct at that time? He said he was perfectly satisfied.

Mr. Kelson Vaughan called in, sworn, and examined:—

1015. *Mr. Wise.*] You are council clerk to the Borough of Alexandria? Yes.
1016. I believe you acted under appointment from Mr. Dacey as deputy returning officer at the late *K. Vaughan.* Parliamentary election for Redfern? Yes. I made my declaration as presiding officer and I was appointed by Mr. Dacey as deputy returning officer.
1017. Have you that appointment with you? It is in the hands of the Colonial Secretary.
1018. During the day did you appoint Mr. Thomas Alderson? Yes.
1019. As what? Shortly before 1 o'clock Mr. Dacey felt a little anxious as to the polling-place at the New Masonic Hall; he asked me to go down there; I arrived shortly after 1 o'clock; I saw a large crowd of people; in fact the crowd was so large that I could not see any of the officers who had been appointed by Mr. Dacey. Mr. Berry, a supporter and friend of Mr. Anderson, was very persistent in his demand for further assistance; I saw that it was necessary, and after some little time I asked him if he would act.
1020. *Chairman.*] Do you mean Alderson? I asked Berry if he would act but somebody outside interjected the remark, "I object." Then I asked another gentleman if he would act and he refused. I then saw Mr. Alderson standing by himself; he was apparently taking no interest in the election or any part of it.
1021. Had he not Mr. Schey's card in his hat? I believe he had, but I did not see it then; I will mention that matter presently. When I asked Alderson if he would act he at first objected but he afterwards said, "I see that you are in a difficulty—I will do so, but mind the appointment is none of my seeking." Mr. Alderson then made a declaration before Mr. Stephen as presiding officer, and Mr. Shying made a declaration before Mr. Alderson who is a J.P., as a poll-clerk. I then took a cab immediately and found a ballot-box.
1022. What did you do with the ballot-box? I brought it to the New Masonic Hall.
1023. What did you do with it there? I gave it to Alderson and placed him in charge of it.

Mr.
J. R. Dacey.
26 July, 1889.

- Mr.
K. Vaughan. 1024. Did you give each of the poll-clerks and scrutineers an opportunity of inspecting the ballot-box before it was locked? Yes, they had every opportunity.
- 26 July, 1889. 1025. Did you hold it up to them? I took it up; they were all sitting at the table; they could see it was empty; it had glass sides.
1026. Did you appoint Barnard to act? No.
1027. Then if Barnard acted with Alderson in giving out the ballot-papers he was acting irregularly? He made a declaration as a scrutineer for Mr. Schey.
1028. He had no authority whatever to touch the ballot-papers? Not that I know of.
1029. Do you know as a fact that he was handing out ballot-papers? He was not doing so when I was there.
1030. You were not there all the time? No; when I was there Alderson was giving out the ballot-papers himself. I said, "Be careful and initial each ballot-paper and give them out one by one." After I brought in the ballot-box I went into the shop and bought some requisites. I then saw the ticket in Alderson's hat and I went up to him and called his attention to the fact. He took it out of his hat and he said, "Why did you not tell me about it before—I am very sorry." I said, "I did not see it."
1031. Were you present at the counting of the votes at the New Masonic Hall? No.
1032. Who did preside at the count? Mr. Cook was the presiding officer; he was appointed by Mr. Dacey a night or two before.
1033. *Mr. Williamson.*] By whom were you asked for additional assistance? By Mr. Berry.
1034. Are you positive of that? Certainly; I can call witnesses to prove it; he was most persistent in his demand for further assistance.
1035. He said yesterday he did not; which statement is correct? I am correct; I am positive about it.
1036. Let me refer you to question 229 of the evidence? I am certain it was he; he was most persistent in his demand for assistance.
1037. When he applied for assistance did you ask him to take the position? Yes, he was the first person asked.
1038. *Mr. Frank Smith.*] How many ballot-papers did you give to Alderson? There were 800 given to Cook, and I think 300 to Alderson.
1039. Did you count Alderson's? Yes. And I would draw attention to this fact in reference to Alderson's box: that there was a majority in favour of Anderson of over 12 per cent. while Cook's box showed a majority of about 6 per cent. for him.
1040. You did not count Alderson's ballot-papers? Yes.
1041. And you say there were 300? Yes.
1042. Did you hear anything about ballot-papers being outside? No.
1043. *Mr. Wise.*] Can you tell me the total number of papers taken out of Alderson's box? I have a copy of the return at home—about 151 I think.
1044. Were the votes put indiscriminately into either box? They may have been put into either box but the presiding officer afterwards sorted out the papers.
1045. According to the initials? Yes, after the election was over.
- 1045¹. Were you there at the time of the crush? When I was there I could not see the officers. I have been connected with a number of elections, but I think the crush on this occasion was unprecedented.
1046. Do you think any persons were deprived of their votes? They would have been if we had not provided extra assistance; a good many came and said that they were anxious to get back to their work at 2 o'clock.
1047. At what time did you provide the extra assistance? A portion of the extra assistance was provided at 20 minutes past 1, and the remainder about half-past 1.
1048. You say there were men who were anxious to get back to their work at 2? They expressed themselves anxious to do so, and got very excited about the matter. They said they would have to go back to work as they could not lose the time.
1049. *Mr. Frank Smith.*] Was the crush over at 2 o'clock? No; I do not think it was. I left a little before 2, or I should say rather, at half-past 1, to get the ballot-box.
1050. Was the crush over then? It was increasing then.
1051. When did you get back? A little after 2.
1052. Was the crush bad then? No. But I believe a crush took place afterwards.
1053. What time was that? I could not say.
1054. Was it while you were there? No; I think there was a crush about 4 o'clock.
1055. Did anyone complain to you that they could not vote? No.
1056. *Chairman.*] You are clear as to the number of ballot-papers you supplied to Alderson, and also as to the number you supplied to Cook? Quite clear. I received 9,600 papers from the Government Printing Office, and I issued 9,500 to the different presiding officers; the balance of 100 was sealed up with the papers in the box; 1,100 went down to the new Masonic Hall.
1057. How many were retained for Redfern? 5,500; 1,400 went to Alexandria; two eight hundred's to Waterloo; and 800 to Botany.
1058. You do not know about the number of unused papers returned? They are sealed up in the parcels. I might state that each presiding officer was supplied with printed duplicate returns, and that these were all signed by the scrutineers.
1059. When the poll was over did you, as deputy returning officer, examine the rolls? No, I did not examine the rolls. When the poll was over I was at Redfern, and I told the presiding officers there what to do in connection with the rolls; they got the returns signed in duplicate, and a duplicate copy was given to me.
1060. That is just what I want to know; I want to know whether the number of names ticked off on the electoral roll was totted up after the poll? No, they were not, and I never knew that to be done; I do not think it is the usual practice. I might state that Mr. Dacey always expressed himself anxious that every vote possible should be polled. This New Masonic Hall was a new polling-place, and he was anxious in connection with it; my instructions from him were, quite irrespective of my position as deputy returning officer, to provide assistance, if it were required. I have no doubt that if the assistance had not been afforded complaint would have been made that people were deprived of their votes.
1061. *Mr. Wise.*] Were you present when these packets of ballot-papers were sent in on the Monday night? Yes.

1062. From all the polling-places? Yes.
1063. Were the presiding officers' rolls inside the parcel of ballot-papers? Yes, inside.
1064. In every instance? In every instance, I believe.
1065. Will you swear that the electoral roll was in no case outside of the packet? I cannot say; I do not remember.
1066. Will you swear that that was not the case? I will not swear about it; I instructed every presiding officer as to his duties beforehand.
1067. When those parcels of papers came in what was done with them? They were put into a box.
1068. Was that box locked? No; it was roped up—tied with a rope.
1069. *Chairman.*] Is that box by your side the box? Yes; there are two locks on it, but both locks have been broken. It is an old boot trunk; it was left at the Alexandria Council-chambers for me to put the parcels in for the presiding officers; there was a clasp on it, and in shutting down the box it somehow got pushed back; in bending it out again it broke off. A local locksmith fixed on a padlock. At Redfern, when I was trying to lock it when several witnesses were present, I saw, looking inside, that the catch of the lock was broken; it was a little brass padlock. I tied the box up with rope at night, and with assistance took it down to the Alexandria Council-chambers, where I locked it up in the Mayor's room.
1070. When did you take it down to Alexandria? Directly after the preparation of the return.
1071. When was that? On Monday evening while the returning officer was declaring the poll I got the box carried out and took it down to Alexandria where I locked it in Mr. Dacey's private room.
1072. Do you happen to know why it was left there till Friday? Mr. Dacey called and saw me on Tuesday; he spoke about the box, and said he would send me a carter for it. The carter came down on Wednesday afternoon, when it was too late to send it away. He came again on the following morning; it was raining very heavily. He was not provided with proper conveniences to take the box away. I told him to see if he could borrow a tarpaulin, and that if he could not borrow one I would pay for one. I was anxious to get the box away. I did not see him again. It seems that he tried to borrow a tarpaulin but could not obtain it. I did not see him till the following morning.
1073. During all this time where was the box? Locked up in the Mayor's room.
1074. I suppose no special seal was used? It was sealed up in the usual way, with the usual wax.
1075. *Mr. Wise.*] The wax did not bear the impress of any particular seal? No.
1076. Nor did the wax on the parcels containing the ballot-papers? No; no seal was provided; I do not think there was any seal upon them. I could not say for certain. I saw that sealing-wax had been used but I took no particular notice of it. The course I have seen adopted previously was adopted in this particular case in connection with the papers.
1077. *Mr. Williamson.*] You had been engaged in elections at Redfern before Mr. Dacey was appointed returning officer? Yes, and previously there were complaints about people being unable to record their votes.
1078. *Mr. Wise.*] Did you ever see the papers kept four days in an unlocked box at the Council Chambers at any other election at Redfern, or anywhere else? Certainly not; but the box itself was sealed on Tuesday morning, and, as I have explained, certain circumstances prevented its delivery. It should have been delivered on the Wednesday. I spoke to Mr. Dacey in connection with the matter.
1079. *Chairman.*] Had you charge of the key of the room all the time? Yes.
1080. From the Monday until the time the box was dispatched to the Legislative Assembly Chambers? Yes.
1081. During that time had any person access to the box? No one could get access because the room was continually locked; they could not get in without breaking open a window, or breaking open the door. I never heard a single complaint in connection with the election until the following day, apart from the talk as to Alderson's appointment.

THURSDAY, 1 AUGUST, 1889.

Present:—

Mr. J. P. Abbott.	Mr. Ryrie,
Mr. Hayes,	Mr. Frank Smith,
Mr. Lee,	Mr. Street.

C. A. Lee, Esq., in the Chair.

Mr. Wise, instructed by Messrs. Carruthers and Hawkens, appeared for the Petitioner. Mr. M. A. Williamson appeared for the sitting Member.

Mr. George Frederick Cook sworn and examined:—

1082. *Chairman.*] Where do you reside? At Burwood, near Sydney, but I have come now from Newcastle.
1083. Did you act in any official capacity at the last election for Redfern? I did. I acted as presiding officer at the Sydney booth in the New Masonic Hall.
1084. *Mr. Frank Smith.*] Who appointed you? Mr. Dacey.
1085. How were you appointed? In the ordinary manner by declaration, at the Alexandria Town Hall.
1086. Only that? Yes; I had a communication from Mr. Dacey, asking me would I act as presiding officer at the election, and I said yes. He told me then to be in attendance at the Alexandria Town Hall on a certain date. I was there and took the necessary declaration.
1087. Where were you stationed on the day of the election? At the New Masonic Hall.
1088. All day? Yes.
1089. Who else was there with you? At the start of the poll there was a poll-clerk and an outside poll-clerk as well as myself, but during the day there was another presiding officer appointed.
1090. What was his name? I believe it was Mr. Alderson.
1091. Where was Mr. Alderson stationed—at the same place as yourself? Yes.
1092. Were you both together all day? Yes.

1093.

Mr.
G. F. Cook.
Aug., 1889.

- Mr.**
G. F. Cook. 1093. Was anybody else with you at the table? Yes, the scrutineers on both sides.
1 Aug., 1889. 1094. Had Mr. Alderson the same control over the ballot-papers as you had? Yes, Mr. Vaughan gave him ballot-papers, the same as he did me, and he used them the same as I did by initialling the backs of them and handing them to the electors as they came to the table.
1095. Do you know in what capacity Mr. Vaughan was acting? As deputy returning officer.
1096. Did he take ballot-papers from you and hand them to Mr. Alderson, or did he give him a fresh packet? He took his own packet—he had two separate packets.
1097. He did not take them from you and give them to Mr. Alderson? No.
1098. Do you know the names of the persons who were with you and Mr. Alderson at the table? The only one I knew was Mr. Barnard who was next to me.
1099. Had he access to the ballot-papers? No.
1100. Did he handle the ballot-papers at all that were under your charge? Not to my knowledge. I cautioned him against touching them.
1101. Was he going to touch them? No, but when the tickets came from the outside poll-clerk he was throwing them over where I was throwing mine, and I told him that by no means was he to touch any of my stack—he was then handing the tickets from Mr. Alderson. The crowd was right around us, and when an elector would come to Mr. Alderson with his ticket, Mr. Alderson would turn up the elector's name in the book, and pass a ballot-paper to Mr. Barnard, who handed it over to the elector, whose name was ticketed off until we got the rush away from the table.
1102. Did you have anybody assisting you in the same way? No; at least at one particular time before Mr. Alderson was appointed Mr. Vaughan came into the room and assisted me in handing the ballot-papers.
1103. Mr. Vaughan took the ballot-papers from you and gave them to the electors? Yes, as I challenged them.
1104. How do you know that he gave the ballot-papers to the right person? Well the parties in each instance said "Yes" when I called their name and address.
1105. Then you handed the ballot-papers to Mr. Vaughan? Yes.
1106. Not to the man who said "Yes"? No.
1107. How do you know that Mr. Vaughan in every instance gave them to the right man? I could not swear it.
1108. You say that there was yourself and Mr. Barnard who was next to you;—on which hand was he? On the left-hand side.
1109. And on which side was Mr. Alderson? Further on again on the left-hand side.
1110. And Mr. Barnard was between you and Mr. Alderson? Yes.
1111. And he could have had access to the ballot-box? Yes; mine was in front of me.
1112. Did you see Mr. Barnard take any of the ballot-papers from Mr. Alderson's pack? No.
1113. You say you saw him—that is Mr. Alderson—hand them to Mr. Barnard to give to the elector in the same way as you handed them to Mr. Vaughan? Yes.
1114. At what time was the rush greatest? Between 1 and 2 o'clock.
1115. Was it possible for Mr. Alderson with that rush occurring to tell what Mr. Barnard was doing with the papers? Yes.
1116. How many people were round about the table? I should reckon there were about fifty or sixty people around the table at one time.
1117. What size was the table? About 6 feet by 4 feet.
1118. Mr. Alderson's duty was to find the numbers and hand the ballot-papers to the electors? Yes.
1119. And instead of doing that he kept on finding the numbers and handing the ballot-papers to Mr. Barnard to give to the electors? Yes; during this time I was under the impression that Mr. Barnard was a poll-clerk for Mr. Alderson. Mr. Vaughan gave me specific instructions as to the appointments he had made. He just told Mr. Alderson to get his directions from me.
1120. Mr. Vaughan did not tell you that Mr. Alderson had been appointed assistant presiding officer? Yes; he came to me and asked me my advice as to whether I thought it necessary to appoint a presiding officer, and I told him I thought we had got through the worst of the rush and could manage ourselves.
1121. What time was that? I should say that it was about half-past 1.
1122. Was the rush over then? There appeared to be a bit of a lull.
1123. Was Mr. Vaughan with you then assisting you to hand the papers to the electors? No. I think he went away from me and went over to assist the outside poll-clerk.
1124. When was Mr. Vaughan assisting you to hand the ballot-papers to the electors? Between 1 and 2.
1125. When did Mr. Alderson go on? I should reckon about half-past 1.
1126. What time did Mr. Vaughan leave off assisting you? He was only a few minutes assisting me. When Mr. Vaughan came into the room I had no poll-clerk. I had sent him to relieve the pressure at the outside poll-clerk's table when the rush came to my table. I sent a constable to bring back my poll-clerk and keep the way clear to the ballot-box. Then Mr. Vaughan appeared on the scene and assisted me in distributing the ballot-papers.
1127. What time did Mr. Barnard take the table? Somewhere about the same time as Mr. Alderson came to the table.
1128. Then you concluded that Mr. Barnard came there as Mr. Alderson's poll-clerk, as they came together? Yes.
1129. And you saw Mr. Barnard hand the ballot-papers to the electors, and in your opinion Mr. Alderson could tell whether the ballot-papers got into the correct hands? Yes.
1130. Yet you say you will not swear that the ballot-papers handed on your behalf reached the proper hands? To the best of my belief they did. I exerted all my powers to see that the right parties got their ballot-papers.
1131. But you would not swear it in your own case, and yet you swear Mr. Alderson could have done it? Well, Mr. Alderson had never had experience in an election before—he was a bit green.
1132. Would he not be all the more likely to let the ballot-papers go into the wrong hands? No, not necessarily.
1133. Do you know Mr. Barnard? No.
1134. You do not know whether he had had any experience? I could not say. In fact they were all strangers to me.

1135. Did anybody complain to you that he could not vote at that particular time between 1 and 2 o'clock; that he could not get his ticket? No; one party slapped me on the back and said, "This is a pretty go." *G. F. Cook.*
1136. What did he mean by that? I suppose that he meant that he could not poll sufficiently quick. *1 Aug., 1889.*
1137. Did he poll his vote? I could not say.
1138. Have you any knowledge of any ballot-papers being exhibited outside the booth? No.
1139. *Mr. Ryrie.*] While the ballot-papers were being handed to the voters and they called out "Yes," did anyone make an objection or find fault that he had not received his ballot-paper? No.
1140. And you believe they were handed to the electors properly? I believe that each man got his own ballot-paper.
1141. *Mr. J. P. Abbott.*] Where were you residing when you got your appointment? At Burwood.
1142. Had you previous to that been living in the electorate of Redfern? Yes.
1143. For how long? I lived on the Botany Road for about eighteen months.
1144. That was the whole of the time you were living there? Yes.
1145. Mr. Anderson says you were only carrying on business there as a draper for eight or nine months? It may have been so.
1146. But you say eighteen months? Well, I cannot exactly tell the time.
1147. There is no doubt there was a great rush between 1 and 2 o'clock at the New Masonic Hall? There was.
1148. Was there a lull afterwards? After 2 o'clock there was.
1149. And any of those persons who could not vote between 1 and 2 o'clock had many opportunities of voting between 2 and 4? Plenty.
1150. And there was no reason why they should not do so? No. In fact I had sufficient time to call back all my polls with my polling-clerk after 2 o'clock.
1151. *Chairman.*] Do you know how many ballot-papers you received for that booth? About 800. The return will show.
1152. Did you receive them in packets? Yes. There was 100 in each packet.
1153. Do you remember receiving eight packets? I could not be certain; I think 800 was the poll.
1154. Do you remember seeing any particular mark upon the ballot-papers, such as the impressed seal of the Government Printing Office? Yes; I think it was on all of them.
1155. Did you use the whole of the papers that were supplied to you? No.
1156. What did you do with the unused papers? I put them all in the packet.
1157. Sealed them up? Yes; sealed them all together with the other papers at the close of the poll.
1158. At the close of the poll did you calculate the number of voters ticked off on your official electoral electoral list; did you count them to see how many there were? No.
1159. You do not know whether the number ticked off on your electoral list corresponded with the number of ballot-papers in the ballot-box? No.
1160. I presume you remained at your post all day? Yes; excepting two or three minutes when I went away to attend to the calls of nature.
1161. Had you any reason to suppose that the ballot-papers were improperly introduced into the ballot-box? In what way do you mean?
1162. In any way? Not to my knowledge. Each man got one ticket, and he came and put it back into the box again.
1163. Had you any reason to suppose that any elector was putting in more than one ballot-paper? No. I stationed a constable at the door to see that no one took their ballot-papers out of the room.
1164. Could you have detected it if it had taken place? If my attention had been directed to a man putting his paper into the box I could tell if he was putting in a bundle or only one.
1165. Could you tell if he was putting in two? I do not suppose I could, unless it was done very clumsily.
1166. When the ballot-box was opened at the close of the poll did you find more than one ballot-paper folded up together? No.
1167. Did you find two folded together? No.
1168. Or three? No.
1169. Or four? No.
1170. Or more than four? No.
1171. They were all single? Yes.
1172. Had you any dispute with the scrutineers or the candidates or the poll-clerk as to whether any particular votes should be declared formal or informal? No. As I threw them out I submitted the votes to the scrutineers and they were perfectly satisfied that they were informal. In fact Mr. Schey's scrutineer did not seem to bother his head much;—it was Mr. Anderson's scrutineer who seemed to look into all matters.
1173. There was no dispute? No dispute at all.
1174. Can you inform the Committee of any irregularity alleged to have occurred at the polling-place? No.
1175. Are you aware of any? No. I think the election was carried on fairly and above board.
1176. Have you acted at an election on previous occasions? Yes, at Redfern.
1177. Once or more? Once.
1178. As presiding officer? Yes.
1179. *Mr. J. P. Abbott.*] Who appointed you at Redfern on the former occasion? Mr. Dacey—it was at the general election.
1180. *Mr. Wise.*] You were in charge at the New Masonic Hall booth? Yes.
1181. Who was Mr. Anderson's scrutineer? I could not tell his name.
1182. Was it Mr. Bradford? I think it was some name like that.
1183. Did you allow him to handle the ballot-papers? No.
1184. Do you know that Mr. Barnard was acting as scrutineer for Mr. Schey? Not at that particular time.
1185. Who was acting as scrutineer for Mr. Schey in that booth? I could not tell his name.
1186. Will you swear that you do not know? Yes.
1187. Then if it has been sworn by Mr. Vaughan or by Mr. Dacey that Barnard was a scrutineer for Mr. Schey in that booth, will you say that it is incorrect? I could not contradict it.

- Mr. G. F. Cook. 1188. To the best of your belief Barnard was scrutineer for Mr. Schey? No, to the best of my belief he was poll-clerk for Mr. Alderson.
- 1 Aug., 1889. 1189. Are you prepared to swear that you remember any other person except Barnard present his credentials as scrutineer for Mr. Schey in that booth? No.
1190. Why did you allow Barnard to handle the ballot-papers? The deputy returning officer was present in the room; he had the fixing up of things. It took me all my time to poll the votes.
1191. I understood you to say that during the rush the deputy returning officer was not there? He was there in the room assisting me to distribute the ballot-papers.
1192. I thought you said you had to send for the outside poll-clerk? No, I said that I sent my poll-clerk to assist the outside poll-clerk.
1193. Then do you shift the responsibility for Mr. Barnard's handing the ballot-papers on to Mr. Vaughan's shoulders? No.
1194. You take the responsibility yourself? Yes.
1195. Was there anybody but Mr. Barnard present as Mr. Schey's scrutineer? That I could not say.
1196. When you saw Mr. Barnard handing the ballot-papers did you not inquire what right he had to do it? It was only a matter of a few minutes. I was under the impression that he was poll-clerk to Mr. Alderson.
1197. Had you not seen him in the room all the morning previously? No.
1198. Will you swear it? Yes.
1199. Will you swear that he had not been in the room? I could not swear it, but he was not sitting in the room where I was.
1200. However, you say this: That if Mr. Barnard was not Mr. Schey's scrutineer, you cannot name anyone else who was? No more than that there was one of Mr. Schey's scrutineers sitting at the table all the day from the start.
1201. Besides Mr. Barnard? Yes.
1202. Then Mr. Schey had two scrutineers during a portion of the time if Mr. Barnard was one? Yes.
1203. Had Mr. Anderson two scrutineers? I believe so.
1204. Who were they? I could not say.
1205. Do you, on your oath, believe that there was anybody but Mr. Bradford acting as scrutineer for Mr. Anderson during any part of the day? Yes.
1206. Do you believe that on your oath? Yes.
1207. Do you know that Berry applied to Mr. Vaughan to be allowed to act as scrutineer? I could not tell.
1208. You could not hear? No.
1209. Have you no idea who the person was who was acting for Mr. Anderson besides Bradford? No; they were all strangers to me.
1210. And I suppose the bulk of the voters were strangers to you? Yes; of course there were voters that I knew, having had business transactions with them one way and another.
1211. Did not Bradford protest to you against Barnard acting? Not in my presence.
1212. And against the irregular manner in which your booth was conducted? No.
1213. Did you allow Barnard to assist in counting the votes? No; he did not handle anything.
1214. You will swear that? Yes; he simply looked on. I know he did not handle any of the ballot-papers that came out of my box.
1215. Did he handle any of the ballot-papers? You cannot expect me to know whether he handed the papers during the time that Mr. Alderson was taking them out of his box, because I was employed counting them then.
1216. Did you take steps to ascertain what authority either Mr. Barnard or Mr. Alderson had to be present at the counting of the votes and to handle ballot-papers? Simply from what Mr. Vaughan told me. I saw him take the declaration.
1217. You say Mr. Barnard took the declaration? I think so; he went away from the table with that object. I did not see him, but I know that Mr. Vaughan took him from the table for that purpose.
1218. Did Mr. Vaughan tell you that Mr. Barnard was entitled to be present? No.
1219. Did Mr. Vaughan tell you that Barnard was there as a poll-clerk? No.
1220. Why did you, as presiding-officer, allow Mr. Barnard to be present at the counting of the votes and to handle the ballot-papers without ascertaining what right he had to be there? I could not say that he handled the ballot-papers.
1221. Will you swear that he did not? I could not swear, but to the best of my belief he did not.
1222. You admit that he was present? Of course he was present.
1223. Did you ascertain what right he had to be present? No; I was under the belief all along that he was poll-clerk to Mr. Alderson.
1224. How did you arrive at that belief? Because Mr. Vaughan brought him into the room and placed him alongside me and Mr. Alderson.
1225. Do you know that Mr. Vaughan has sworn that Barnard was scrutineer for Mr. Schey and was not a poll-clerk at all? I could not say.
1226. However, you did not take steps to see Mr. Barnard's credentials? No; I left that to Mr. Vaughan.
1227. He was only present during a short period of the day? Yes; between the hours of 1 and 2. I think they left the room after the rush was over.
1228. When the count was finished what was done with the ballot-papers? They were all tied together.
1229. By whom? I tied my own and Mr. Alderson tied his.
1230. Mr. Barnard was assisting Mr. Alderson? I do not think so. I think he did it all himself.
1231. Was not Mr. Barnard sitting by Mr. Alderson during the count? Yes.
1232. Will you swear that Mr. Barnard did not assist to tie the papers up? To the best of my belief I do not think he handled any of the ballot-papers. In fact I will swear that he did not handle them when they were packed up.
1233. When did you see Mr. Barnard there first? The only recollections I have of Mr. Barnard coming to the table was when Mr. Alderson came along with Mr. Vaughan.
1234. Will you swear you did not see him in the room previously? To the best of my belief I do not believe he was in the room.

1235. Did you know him by sight before? Yes.

1236. The fact remains then that when he did come you took no steps to ascertain what right he had to be there? No more than I was under the belief that he was poll-clerk for Mr. Alderson. I reckoned that Mr. Vaughan knew his duty.

1237. Are you still prepared to swear that Mr. Barnard never handled the papers at the counter? To the best of my belief he did not. Of course I was busily occupied counting my own papers.

1238. Only to the best of your belief; you cannot swear positively one way or the other? I am firmly of opinion that Mr. Alderson handled all his papers.

1239. If three witnesses have sworn that Barnard handled the papers you would not be prepared to swear that that is false? No. I know I gave Mr. Alderson instructions to open the ballot-box.

1240. Mr. Alderson tied up, you say, one packet altogether independently of you? Yes.

1241. When the two packets were tied up what did you do with them? I gave him instructions to put the packets in his ballot-box, and I did the same, and we went to Redfern.

1242. Who took the packets to Redfern? Mr. Alderson and myself together.

1243. Were the rolls that had been used by Mr. Alderson and yourself tied up with the packet or separately? Each roll was in each packet.

1244. Were the votes that were initialled by yourself and those initialled by Mr. Alderson separated? Yes.

1245. By whom was that done? Partly by me and partly by Mr. Alderson.

1246. That would be after the count? No; before the count. I sorted out my initials first, and I gave him instructions to do likewise, and in telling them I saw they were all correct. I counted all the votes myself.

1247. Were the votes strewn upon the table before they were counted in order to enable the separation to be made? They were raked out of the boxes.

1248. Lying on the table, and separated according to the initials before they were counted? Yes.

1249. And who was present during the whole of that time? The whole of us.

1250. Whom do you mean? The constables, the scrutineers, the presiding officers, and the poll-clerks, and the outside poll-clerks.

1251. And Mr. Alderson and Mr. Barnard? Yes; they all seemed to take a lively interest in the count.

1252. Who was the scrutineer for Mr. Schey besides Mr. Barnard? I could not tell you his name.

1253. But there was somebody? Yes; I know the man's face.

1254. *Mr. Williamson.*] Did you see Mr. Alderson leave the room at any time during that day before the closing of the poll? He left for a few minutes to go to the urinal. He was not away more than about two or three minutes.

1255. What is the situation of this place;—is it on the street side of the building or at the rear of the building? On the street side of the building.

1256. Did you see him leave the table? Yes; he drew my attention to his going away, and asked me to look after his papers for him.

1257. Had he anything in his hands when he left? No.

1258. Did you see any ballot-papers in his hands? No.

1259. Had he anything at all in his hands? No.

1260. How long before he went out was it that he drew your attention to the fact of his wishing to retire? About the instant he wanted to get away.

1261. Did you see anybody touch his ballot-papers while he was away? No. No one touched his papers during the time he was away.

1262. *Mr. Wise.*] You said in answer to Mr. Smith that you had cautioned Barnard against touching your papers;—what reason had you to do that? Well, I did it in a general way, so that my papers should not be mixed with Mr. Alderson's.

1263. Did you give that caution to Mr. Bradford, Mr. Anderson's scrutineer? He was sitting at the far side of the table, and could not interfere with me at all.

1264. He could not have touched your papers in any way? No.

1265. Did you give that caution to Mr. Alderson? Mr. Alderson could not interfere with my papers; he was too far away from me.

1266. I want to know what necessity there was for cautioning Barnard—what made you think he was going to touch your papers? During the poll, shortly before that, an elector tore up his ballot-paper, and he came over, leaned behind me, and took a ballot-paper, and I stopped him. I took the paper from him and asked him what he was doing, and he said, "I have torn up my own and I want another paper." I took the paper back from him and put it on my stack, and I took the paper which he had torn up into bits and stuffed it into the ballot-box.

1267. But how does that explain the necessity for cautioning Barnard? I am just giving you an outline of what my ideas were—so that the papers should not be mixed with Mr. Alderson's.

1268. But why did the conduct of the voter in leaning over for a ballot-paper make you tell Barnard not to touch them? For the simple reason that I did not want them mixed. I wanted him to work with Mr. Alderson's pack.

1269. And that, you say, is the only reason? Yes.

1270. Then Mr. Barnard was working on Mr. Alderson's pack? At this particular time he was handing them over from Mr. Alderson.

Mr. Thomas Alderson sworn and examined:—

1271. *Chairman.*] Where do you reside? In Dowling-street, Redfern.

1272. Do you remember the last Parliamentary Election for Redfern? Yes.

1273. Did you act in any official capacity on that occasion? Yes, as presiding officer.

1274. By whom were you appointed? By Mr. Vaughan.

1275. Under a written appointment? Under the usual declaration before a J.P.

1276. But did you receive any appointment in writing? No.

1277. You made the declaration of office before you acted? Yes.

1278. What hour in the day did you commence your duties? Between 1 and 2 o'clock.

1279. And at what polling-place? The New Masonic Hall.

Mr.
G. F. Cook.
1 Aug., 1889.

Mr.
T. Alderson.
1 Aug., 1889.

1280.

- Mr.
T. Alderson. 1280. And you acted from the time of your appointment up to the close of the poll? Yes.
- 1 Aug., 1889. 1281. Why were you appointed at that late hour? On account of the great rush of voters to the booth.
1282. And you were appointed an additional officer to enable the public to record their votes? Yes.
1283. When you commenced your duties were there any other officers acting in the room? Yes.
1284. Who were they? Mr. Cook.
1285. Who acted as your poll-clerk? Mr. Shying.
1286. Do you know whether he made his declaration as poll-clerk? Yes, he did.
1287. Were there any scrutineers acting at your table? Yes.
1288. I am not referring to those acting under the presidency of Mr. Cook? Mr. Barnard acted as scrutineer with me.
1289. Anyone else? No.
1290. Did not Barnard act for Mr. Schey as scrutineer? Yes.
1291. And during that time, up to the closing of the poll, did Mr. Barnard hand any of the ballot-papers to the electors? By my handing them to Mr. Barnard.
1292. Had he any authority to hand them? Only by my handing them to him.
1293. Under your authority? Yes, to get rid of the crush.
1294. So far as you know did any elector receive more than one ballot-paper? Not one.
1295. Did you notice, or had you reason to suppose, that any elector was putting more than one ballot-paper into the box? No reason whatever.
1296. When you opened your box to count the votes did you find more than one ballot-paper? No.
1297. They were all singles? Yes.
1298. Had you any argument or dispute with any of the scrutineers as to the formality or informality of any particular ballot-paper? No, not a word.
1299. Do you remember how many ballot-papers you received? I received in the first instance 100.
1300. Did you receive any others? Yes, 200 afterwards; making in all 300.
1301. Were they all used? No.
1302. What did you do with the unused ones? I put them in a parcel and sealed them up with the other papers.
1303. At the close of the poll did you tot up the number of names that had been ticked off on the electoral lists? No, the scrutineers were doing that.
1304. Did your poll-clerk tot up your official electoral list to ascertain how many voters had actually voted? No.
1305. Therefore you did not compare the number of voters as ticked off on the electoral list with the number of votes as recorded in the ballot-box? No; not with the rolls we had.
1306. Then you are not aware whether there was any discrepancy or not? I am sure there was no discrepancy.
1307. You are not aware because you did not count them? I counted up the papers—the tally-sheets.
1308. I do not mean the tally-sheets; I mean the electoral list. The ticking of each name being *prima facie* evidence of a man's vote, did you tot up those rolls to ascertain how many voters had voted or applied for papers? No.
1309. Therefore, not having done so, you are not prepared to swear whether there was any discrepancy between the list and the number of papers? No.
1310. What were you doing on that day prior to your appointment? Working outside.
1311. Using your best influence on behalf of your particular candidate? Yes.
1312. Did you apply to be appointed poll-clerk? No.
1313. You were requested to do so? Yes.
1314. After you were appointed did you still exercise your influence on behalf of your candidate? No; certainly not.
1315. Did you hold out any inducement to electors to vote in any particular way? No; not in the slightest degree.
1316. Nor did you hold out any inducement to electors not to vote? No.
1317. How did you treat the class of voters whom we call marksmen, that is, who could neither read nor write? None came under my notice. One came under Mr. Cook's.
1318. At any time while you were proceeding, did you leave your seat and go over to the ballot-box with an elector to show him how to vote? No.
1319. I suppose you have acted at elections before? Not inside.
1320. But you are a very old electioneering hand, are you not? Pretty good.
1321. You are up to all the ways that are dark? Not bad ways.
1322. What did you do with your papers after the close of the poll? I put them all up in brown paper, tied them up, and sealed and stamped them.
1323. And to whom did you deliver them? I locked them in the ballot-box and delivered them to Mr. Dacey at Redfern.
1324. *Mr. Frank Smith.*] You say you had no appointment in writing from the returning officer? No appointment in writing.
1325. You are an old hand at elections; do you not know it is necessary before you can act as presiding officer to have the appointment in writing? I had never acted inside before.
1326. But you had no appointment in writing? No; it was done to relieve the great crush that took place, momentarily.
1327. You did not appoint Mr. Barnard in any way? No; he was acting as scrutineer for Mr. Schey.
1328. But he was acting authoritatively at the table as poll-clerk while you were acting as presiding officer? No; not as poll-clerk—as scrutineer.
1329. As presiding officer, did you hand to Mr. Barnard any polling-papers to hand to the electors? Yes. He was sitting on my right, and during the crush he used to reach them over and pass them on. When the crush subsided I handed them over myself. That was just at the commencement.
1330. Could you see in carrying out your duties as presiding officer that Mr. Barnard handed those papers to the electors who were entitled to get them in every case? Certainly in every case.
1331. Could Mr. Barnard have reached the papers on which you were operating and taken them himself without your seeing him? He could not have done it. I had my hand on them all the time.

1332. Are you aware of your own knowledge of any ballot-papers being found outside the polling-booth? No. Mr.
T. Alderson.
1333. *Mr. Wise.*] During the time you were acting in this way you had Mr. Schey's card in your hat, I believe? I had for about a minute or two. 1 Aug., 1889.
1334. Is that all? That is all.
1335. Will you swear it was not over an hour? No; it was not.
1336. And did you not refuse to remove it? No; as soon as my attention was called to it I whipped it out and tore it up. Mr. Vaughan called my attention to it.
1337. Before your attention was called to it by Mr. Vaughan had not Mr. Bradford called your attention to it? No.
1338. Nor any one else? No.
1339. Who was acting as scrutineer for Mr. Anderson at your box? Mr. Bradford.
1340. Who was acting as scrutineer at Mr. Cook's box? I do not know the gentleman's name.
1341. Who was acting as Mr. Schey's scrutineer at Mr. Cook's box? I do not know the gentleman.
1342. There was someone, though? I think there was. They were strangers to me.
1343. Will you swear that there was anybody except Bradford acting as scrutineer in Mr. Anderson's interest in that booth? Yes.
1344. Who was he? I do not know the gentleman's name—they were strangers to me.
1345. Would you recognise him if you saw him again? I think I would.
1346. Are you quite sure on that point—that Bradford was acting as scrutineer at your box? Mr. Bradford was sitting next to me when I sat down.
1347. Why did you not hand the ballot-papers to him instead of to Mr. Barnard? He was on my left, and the voters were on my right.
1348. That is your only reason? I could not have done otherwise. The voters were coming round the back.
1349. I wish to ask you, as an old electioneering hand, whether you think it a proper thing to hand ballot-papers to a scrutineer of one of the parties? I did not exactly hand them. There was such a crush coming round at the back that I gave the papers to Mr. Barnard, who was sitting on my right, to hand to the voters. I could not reach the voters.
1350. Why did you not get your poll-clerk on your right? I do not know; there was not room.
1351. Why did you not put him there in place of Barnard, and hand him the ballot-papers? There was no room.
1352. Why did you not make him change places with Barnard, so that the ballot-papers might be handed up officially, and not by a partisan;—have you any reason to give? No reason whatever. There were not more than half a dozen papers handled.
1353. Will you swear that Barnard never handled more than half a dozen papers? I do not think he did.
1354. Are you prepared to swear that he did not handle more than half a dozen? Yes; I am.
1355. As a matter of fact, did he not handle every paper you gave out during the crush? No.
1356. During the whole of the crush? No. It was only just at the commencement when I commenced to sign the papers and initial the ballot-papers.
1357. Are you quite confident that Barnard did not? If other witnesses have sworn that he did hand out the papers it is false. In numbers certainly it is false.
1358. Did Mr. Cook have as good an opportunity as you had of seeing who were handling the ballot-papers? No.
1359. Where was Mr. Cook sitting? He was very nearly the length of this table away. There were two persons between him. The voters were coming in behind Mr. Cook, up to the corner of the table where I was sitting.
1360. Then had not Mr. Cook a perfectly good opportunity of seeing what had been done with your ballot-papers? He could occasionally see certainly.
1361. Could he not have seen the whole of the time? Not when he was engaged giving papers out.
1362. Was there anything between him and you on the table to shut out his view? No.
1363. He sat on one side of the table and Barnard on the other? Yes; but he could not see when we were both dealing out papers at the time the crush was.
1364. Did you ever tell Mr. Cook that Barnard was your poll-clerk? No.
1365. Where was Mr. Shying sitting? He was down at the other end.
1366. Is your memory so clear that you are prepared to swear that there were two persons acting as scrutineers for Mr. Anderson in that room? Is it not a fact that Mr. Bradford was scrutineer for Mr. Schey, and that there was no scrutineer for Mr. Anderson in regard to your box? Mr. Bradford, I understood, was scrutineer for Mr. Anderson. There was another gentleman sitting on the right of Mr. Cook, whose name I do not know. I understood that he was a scrutineer for Mr. Anderson also.
1367. You swear that was your understanding? I do.
1368. Did Barnard help you to take the ballot-papers to the Town Hall at Redfern? No.
1369. You and Mr. Cook did it alone? Yes, we took them in a cab.
1370. Are you quite sure of that;—did not Barnard take them to the Redfern Town Hall? I am positive.
1371. Quite positive? Very positive. I carried the box up myself.
1372. Was Barnard with you? No.
1373. There was no one with you? No. Mr. Barnard was in a separate cab; he was not near me.
1374. But he did come to the Redfern Town Hall at the same time as you? Certainly, like everybody else.
1375. *Mr. Williamson.*] Did you retire from the polling-booth at any time before the poll closed? Yes, for about a minute or a minute and a half.
1376. Might I ask you where you went? To the urinal, through a side door.
1377. You did not go into the street did you? No.
1378. You did not take any ballot-papers with you? No, it is not likely.
1379. When you saw the ballot-papers taken out of the box, did you see three of them rolled into one? No.
1380. Did anybody draw your attention to the fact that from the box where you were placed three voting-papers were taken out in that way? No, certainly not.

- T. Alderson. 1381. Did you hear any complaint from any of the officials present about three of the ballot-papers being wrapped closely in one with the other? Not one word was mentioned in my hearing.
Aug., 1889. 1382. You saw Sergeant Bradwell there? Yes.
1383. Did he mention anything to you about it? No. Sergeant Bradwell was standing next the ballot-box when I went in.
1384. At the time they were taking the papers out of the ballot-box did Sergeant Bradwell mention to you the fact of three papers being folded up one with another? No. Everything was perfectly orderly; they were very quiet, not a word was mentioned.
1385. Did anybody remark to you that such was the case? No.
1386. You deny then that ballot-papers were brought out of your box twisted one within the other? Certainly I do.
1387. Who took the papers out of your box? I did.
1388. And you had every opportunity of noticing the circumstance if it had occurred? Every paper I took out was single and I folded them out on the flat.
1389. Who was alongside of you at the time you took the papers out of the box? Mr. Barnard.
1390. Anybody else? Mr. Bradford.
1391. Did he have an opportunity of seeing you do this? Yes.
1392. He did not make any complaint, did he? No.
1393. Did you hear any application made to Mr. Berry asking him if he would act there on that day before you were asked? No. Mr. Berry came into the room in a very excited manner and said I had no right there. Mr. Vaughan told me he had asked Mr. Berry in the morning.

Mr. George Barnard sworn and examined:—

- Mr. Barnard. 1394. *Chairman.*] Where do you reside? In Botany-street, Redfern.
1395. Have you resided there for any time? I have been in business in Redfern for the last four or five years.
1 Aug., 1889. 1396. Do you remember the last Redfern election? Yes.
1397. Did you act in any official capacity? Yes; I acted in the New Masonic Hall.
1398. As what? Scrutineer for Mr. Schey.
1399. Only? That is all.
1400. And in no other capacity? No.
1401. Not as poll-clerk? No.
1402. Simply as scrutineer for Mr. Schey? Yes.
1403. *Mr. Frank Smith.*] Do you know Mr. Alderson well? Yes.
1404. Did he ask you to assist him in handing the ballot-papers to the voters? I did hand some papers to them from Mr. Alderson.
1405. Did Mr. Alderson ask you to do it? He passed them on to me. I cannot exactly say he asked me to do it, but he handed them over to me. As Mr. Alderson might have been sitting at the counter I was sitting next to him and he handed them to me to pass to the voters.
1406. Did he give you the name of the voter when he handed you the paper? No.
1407. How did you know whom to give it to? Because the voter called out his name to me. I saw him before the paper was handed to him and I marked him off the roll.
1408. Did you in any one instance during the crush get more than one paper handed to you? No.
1409. Are you sure of that? I am positive of it. I did not hand out all the papers. It was only on one or two occasions and not in every case.
1410. How many ballot-papers do you think you handed out? I do not suppose there would be more than about a dozen. There may have been a few more; I could not say exactly.
1411. There would have been more than a dozen? Yes, I dare say.
1412. There was a great crush at the time? At one time there was.
1413. You are quite sure you gave the ballot-papers singly to the persons entitled to them? Yes, I am positive about that.
1414. Of your own knowledge do you know of any ballot-papers that were outside the polling-booth on that day? No.
1415. *Mr. Ryrie.*] I suppose there was no complaint made by any voter that he had not received his ballot-paper? No, I heard no complaint.
1416. *Mr. Wise.*] When did you receive your appointment as scrutineer? Between 1 and 2 o'clock on the polling-day.
1417. From whom did you get it? From Mr. Vaughan.
1418. How long were you assisting Mr. Alderson in handing out the ballot-papers? I was inside the polling-booth from half-past 1 until the poll was closed.
1419. There was no necessity for you to hand out ballot-papers after the crush was over? No.
1420. And during the crush he would pass them to you, and you would pass them on to the voters? Yes.
1421. And that would go on during the whole of the time of the crush? It would not be the whole time, but only when I was crowded.
1422. During the whole of the time there was a crowd that would be going on? Yes.
1423. And there was a crowd for about half-an-hour I suppose? I do not think it would be that long.
1424. About 20 minutes or half-an-hour? Yes.
1425. *Mr. Frank Smith.*] Did you say that Mr. Vaughan appointed you scrutineer? Yes.
1426. Did you make the declaration before Mr. Vaughan? Yes.
1427. Do you get an appointment in writing from Mr. Vaughan? I did not get the appointment in writing. I was asked to act as scrutineer for Mr. Schey.
1428. By whom? By one of the people outside. I forgot exactly who it was. At the same time Mr. Alderson went in.
1429. It was not Mr. Vaughan? No. I made a declaration before Mr. Vaughan.
1430. Did you have any appointment at all from Mr. Schey? No, not from Mr. Schey himself. It was one of Mr. Schey's committee outside.
1431. What was his name? I cannot exactly recollect his name.

1432. How do you know it was Mr. Schey's committee-man. Might it not have been Mr. Anderson's committee-man? He was sitting at Mr. Schey's table. Mr. G. Barnard.
1433. And you really got no appointment as scrutineer? No, I did not receive any written appointment. 1 Aug., 1889.
1434. You do not know who appointed you, or who asked you to act? No; I could learn the name of the person. I know him well by sight; but I don't know his name.
1435. You had to get your remuneration for acting, had you not? No, I got nothing. I never have in connection with any election.
1436. *Chairman.*] When you say you received your appointment from Mr. Vaughan do you wish the Committee to understand that he appointed you, or that he simply took your declaration? He took my declaration.
1437. While you were acting there as scrutineer for Mr. Schey, what did you consider it to be your duty to do? To check the names off the roll, and to see that the same parties did not come and vote twice.
1438. While you were handing the papers from Mr. Alderson were you still checking your own? Yes.
1439. And while you were handing those papers would it have been possible for a man to get two from you instead of one? No, because Mr. Alderson would hand one to me and I would pass it on. I should know myself very well whether there were two papers.
1440. You could not possibly know every face that came? No.
1441. So that it would be possible for some person to come up and get another paper? Not with the same name, because I should know him by the number.
1442. *Mr. Wise.*] Did the rolls you received contain the names of those who had already voted marked off? No.
1443. Then there was nothing to prevent a man who had already voted in the morning from coming up and voting again at your roll? No, I did not get those names crossed out.
1444. Nor had Mr. Alderson? That I could not say.
1445. Could you not say whether he got a clean roll at the same time that you did? I could not say whether he did or not. I used my own roll—the one I had outside.
1446. Had Mr. Anderson any scrutineer at your box? Yes.
1447. Who was he? I do not know his name.
1448. Bradford? Yes, Bradford.
1449. Who then was Mr. Anderson's scrutineer at Mr. Cook's box? Bradford.
1450. He had one scrutineer for the two boxes? Yes.
1451. And Mr. Schey had two? Yes.
1452. *Mr. J. P. Abbott.*] Did you give out any ballot-papers yourself independently of Mr. Alderson? No.
1453. You are sure of that? I am positive. I only gave those that Mr. Alderson passed over to me.
1454. And did he hand you any ballot-papers before he satisfied himself that the person asking to vote was entitled to vote? No.
1455. In every case when you got a ballot-paper from him he had previously satisfied himself that the person was entitled to vote? Yes, because the name had been called out previously.
1456. *Chairman.*] At the close of the poll did you assist in counting the papers out of Mr. Alderson's box? I did not assist in counting. I sat at the table while they were counting.
1457. Did you sign the certificate as scrutineer? Yes.
1458. At the close of the poll did you tot up your list to see how many electors had voted? No, I did not tot it up because I had not been there from the commencement of the poll; but the other scrutineers for Mr. Schey totted it up.
1459. And you did not? No.
1460. For the reason that you had only been there a part of the day? Yes.
1461. And if you had totted it up it would not have been a complete check? No. I saw the ballot-papers counted.
1462. You saw the ballot-papers taken out of the box, and you saw them counted? Yes.
1463. During the process of their being counted out and then folded did you at any time see more than one paper together? No, not on any occasion.
1464. Did you see two or three together? I have heard about two papers being folded together, and perhaps I might explain that, because there was one paper torn in half. I saw that taken out of the box, and the two halves were folded together.
1465. Did you see one of the officers take up apparently one paper and open it, when it turned out to be three? No.
1466. And he passed it on to another officer, who examined it and passed it to another—did you notice that proceeding? No.
1467. I suppose party feeling ran pretty high at the election? It was not running as high as it has done at previous elections.
1468. And at one time while the poll was being taken there was a considerable number of people inside the booth? Yes, between 1 and 2 o'clock.
1469. Was there much confusion? The people were crushed at the table where they got their numbers on the roll, and they could not get their numbers quick enough.
1470. Were you able to get your list checked? Yes.
1471. Would the poll-clerk whose duty it was to check the names be able to do so during the crowd? It would depend upon whether he took his time in handing out the tickets.
1472. But if you were able to do it would he not be? I was able to do it. I kept my list checked while the rush was on.
1473. Did any marksman—that is, voters who could not read or write—come to your box to vote? Yes, there were two I believe.
1474. How were their votes taken? Mr. Cook marked the papers for them.
1475. Did Mr. Alderson mark any? No, I did not see him mark any.
1476. Did Mr. Alderson leave his seat at any time and go with any elector to the ballot-box and instruct him as to his paper? No.
1477. Had you any reason to suppose or suspect that electors were putting more than one paper into the ballot-box? No.
1478. Was the attention of any person directed to it at the time? No.

- Mr.
G. Barnard. 1479. *Mr. Street.*] You say you do not know the name of the other scrutineer who acted for Mr. Schey? No.
- 1 Aug., 1889. 1480. At the time of the counting of the papers did you help in any way? No; on one occasion when the papers were being separated from the two presiding officers they were passed on to me, and I put my hand on them and passed them on to Mr. Alderson in that way.
1481. Did not Mr. Alderson in taking up the papers hand them to you, and did you not flatten them out in heaps for him? No, any more than passing them on like that.

Mr. Henry Silburn called in, sworn, and examined:—

- Mr.
H. Silburn. 1482. *Mr. Wise.*] What are you? I am a carpenter.
1483. I believe that at the last Redfern election you went to the New Masonic Hall to vote? Yes.
- 1 Aug., 1889. 1484. At what time did you arrive there? At 5 minutes past 1 o'clock.
1485. How long did you have to remain there before you were able to vote? Until half-past 2 o'clock.
1486. During the time that you were in the room did you see many persons going away without recording their votes? I saw a great many persons grumbling about not being able to vote.
1487. Can you say of your own knowledge that they went away without recording their votes;—did you hear any persons say that they had been unable to record their votes? I would not swear they did; I think they went away without voting.
1488. Did you notice anything irregular in the giving out of the ballot-papers during the time that you were in the room? No.
1489. Did you notice any irregularities when you were there at all—what did you see while you were there? I went up to the table to get my number in order to vote. There was a great crowd around the table, and of course I could not get near it. I was shoved about.
1490. When the persons came up to vote to whom were the ballot-papers given—when there was a big crowd round the person at the table, did you see anything done to indicate the persons to whom the papers ought to be given? No.
1491. What is your name? My name is Silburn.
1492. Are you the gentleman who was talking to Mr. Anderson, and volunteered to give evidence? Yes.
1493. You told Mr. Anderson what evidence you were going to give—did you see any nudging going on by anybody? I did not see any nudging.

APPENDIX.

[*To the Evidence of Edward Pulsford, Esq., 25 July, 1889.*]

Names of Voters appearing—on the Rolls of more than one of Mr. Anderson's Scrutineers—as having voted, 8 July.

80	Allen Wm.	Redfern and Alexandria.	5844	Marshall John	Sydney and Alexandria.
232	Altwell Saml.	Redfern and Sydney.	6007	Mihill A. G.	Sydney and Redfern.
824	Boyle James	Redfern and Alexandria.	6119	Montgomery John	Sydney and Alexandria.
1153	Burleigh John	Redfern and Sydney.	6382	Neil John	Sydney and Redfern.
1482	Child Thos.	Redfern and Alexandria.	6528	O'Brien John	Sydney and Redfern.
1635	Clarke Peter	Sydney and Botany	7589	Ryan Michael	Sydney and Redfern.
2980	Fletcher Wm.	Sydney and Redfern.	7736	Shadbolt Hy.	Redfern and Botany.
3226	Gerrard Geo.	Sydney and Alexandria.	7956	Smith Charles	Redfern and Botany.
4140	Hogan C. J.	Sydney and Redfern.	7970	Smith Fredk.	Redfern and Sydney.
4550	Johnson Henry	Redfern and Alexandria.	8760	Turner Thos.	Redfern and Alexandria.
5506	M'Gregor I.	Redfern and Sydney.	9121	Welsh Wm.	Sydney and Botany.
5935	Mauris Daniel	Redfern and Sydney.			

1889.

NEW SOUTH WALES.

ADDRESSES OF CONDOLENCE TO HER MAJESTY THE QUEEN, AND HER IMPERIAL MAJESTY THE EMPRESS VICTORIA OF GERMANY.

(REPLY TO DESPATCH FORWARDING.)

Presented to Parliament by Command.

The Secretary of State for the Colonies to His Excellency Lord Carrington, G.C.M.G.

My Lord,

Downing-street, 12 November, 1888.

With reference to your Lordship's despatch No. 117 of 11th July, I have the honor to acquaint you that the Addresses of Condolence from the Members of the Legislative Council and Legislative Assembly of New South Wales were duly forwarded to their destination. The Queen has commanded me to express to you her pleasure at receiving the Address intended for herself; and I have received from the Foreign Office and have the honor to enclose a copy of the reply of the Empress Frederick, conveyed through the German Acting Minister for Foreign Affairs in Berlin, by which Her Majesty has been much touched.

I have, &c.,
KNUTSFORD.

[Translation.]

[*Enclosure.*]

Foreign Office, Berlin, 11 October, 1888.

The undersigned has the honor to inform Mr. Beauclerk, &c., &c., that he has not failed to convey to their high destination the Addresses of Condolence to Her Majesty the Empress and Queen Frederick, enclosed in his notes of the 3rd, the 18th, and 31st August, and of the 7th and 21st September, namely:—An Address from the Legislative Council and the Legislative Assembly of New South Wales.

Her Majesty, deeply affected by these manifold expressions of sincere sympathy at Her great loss, has commissioned the undersigned to convey Her Royal thanks to those who have so expressed themselves by diplomatic channels. The undersigned whilst informing Mr. Beauclerk of the execution of Her Majesty's commission avails himself, &c.

Mr. Beauclerk.

HOLSTEIN.

The Colonial Secretary, for Parliament.—C., 8/1/89.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PARLIAMENTARY REPRESENTATIVES ALLOWANCE BILL.

(MESSAGE No. 28.)

Ordered by the Legislative Assembly to be printed, 5 June, 1889.

CARRINGTON,
Governor.

Message No. 28.

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends, for the consideration of the Legislative Assembly, the expediency of making provision to meet the requisite expenses in connection with a Bill to authorize the payment of Members of the Legislative Assembly of an annual allowance as reimbursement for expenses incurred in the discharge of their Parliamentary duties.

Government House,
Sydney, 4th June, 1889.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PARLIAMENTARY REPRESENTATIVES ALLOWANCE
BILL (NO. 2.)

(MESSAGE No. 42.)

Ordered by the Legislative Assembly to be printed, 30 July, 1889.

CARRINGTON,

Governor.

Message No. 42.

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends, for the consideration of the Legislative Assembly, the expediency of making provision to meet the requisite expenses in connection with a Bill to authorize the payment to Members of the Legislative Assembly of an annual allowance as reimbursement for expenses incurred in the discharge of their Parliamentary duties.

Government House,

Sydney, 30th July, 1889.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PUBLIC WORKS (COMMITTEES' REMUNERATION) BILL.

(MESSAGE No. 11.)

Ordered by the Legislative Assembly to be printed, 4 April, 1889.

CARRINGTON,

Message No. 11.

Governor.

In accordance with the provisions contained in the 54th section of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with a Bill to provide for the remuneration of the Members of the Parliamentary Standing Committee on Public Works.

Government House,

Sydney, 4th April, 1889.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GENERAL ELECTION, 1889.
(COST OF.)*Ordered by the Legislative Assembly to be printed, 30 April, 1889.**[Laid upon the Table of this House in accordance with promise made in answer to Question No. 2 of 30 April, 1889.]*

MR. WADDELL asked THE COLONIAL SECRETARY,—

- (1.) What were the respective sums of money spent by the Government in conducting the election of Members in the different constituencies at the last General Election ?
 (2.) Also, what was the total cost of the last General Election ?

STATEMENT showing the respective sums of money expended by the Government in conducting the election of Members of the different constituencies at the last General Election, and also the total cost thereof.

Name of Constituency.	Amount.	Name of Constituency.	Amount.
	£ s. d.		£ s. d.
Canterbury.....	414 6 0	Bathurst	95 19 0
Central Cumberland	337 8 3	Newcastle	128 1 6
Inverell	200 0 0	Northumberland	157 3 0
Glebe	160 0 0	Wellington	148 14 0
Gwydir	47 10 4	West Maitland	16 9 8
Paddington	300 3 7	Monaro	175 9 10
West Sydney	587 6 0	Grenfell	131 9 8
East Sydney	580 9 0	Kiama	68 15 0
South Sydney	319 17 0	Wollombi	111 12 8
Durham	94 13 6	Orange.....	135 19 0
Newtown	149 0 0	Inverell	20 17 0
Nepcau	106 0 0	Camden	171 18 1
Tamworth	171 8 6	Shoalhaven	95 17 8
New England.....	290 0 11	Forbes	406 2 6
Balmain	183 13 5	The Clarence	9 6 0
Hastings and Manning	257 4 8	West Macquarie	217 6 9
The Murray	43 15 4	Morpeth	77 0 6
Murrumbidgee	375 2 9	Gloucester	132 13 0
Hawkesbury	190 0 0	Glebe	140 0 0
Redfern	237 0 0	Tenterfield	173 11 5
Upper Hunter	286 18 5	The Hunter	72 11 2
St. Leonards	179 0 0	Goulburn	37 10 6
Parramatta	44 2 2	Burrowa	3 10 6
Eden	149 10 3	Hartley	129 14 5
Grafton	31 19 0	The Hume	31 9 6
Braidwood	63 10 0	Tumut	66 5 6
Glen Innes	177 8 3	Port Macquarie	255 14 9
Mudgee	278 14 10	Gunnedah	90 13 3
Carcoar	200 16 4	Sturt	123 8 7
Gundagai	120 7 9	Patricks Plains	109 6 2
Macleay	163 4 10	The Richmond	158 6 10
Young	181 19 11	The Bogan	759 8 3
Albury	89 3 0		
Bourke	365 1 8	Total.....	£ 11,915 16 10
Queanbeyan	96 15 6		

The Treasury, New South Wales,
29th April, 1889.J. PEARSON,
Accountant.

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTORAL DISTRICT OF THE RICHMOND.

(PETITION FROM CERTAIN ELECTORS PRAYING FOR A DIVISION OF THE.)

Received by the Legislative Assembly, 28 May, 1889.

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

The Petition of the undersigned electors in the Police District of the Tweed,—

HUMBLY SHOWETH:—

That the time has now arrived when the Tweed and Brunswick portions of the Electorate of The Richmond should be erected into a separate electorate for the following and other reasons:—

- 1st. The geographical features of the country intervening between the Tweed and Richmond Rivers are such as to preclude that intercourse socially and commercially which should exist in an electorate as a whole.
- 2nd. That the interests of residents of the Tweed and Brunswick Rivers are distinct from those of the Richmond or southern portion of the electorate in that their means of communication with the markets of the Colonies are totally independent of the port of The Richmond, and can only be maintained through the ports of the Tweed and Brunswick Rivers.
- 3rd. The number of electors in the Police District of The Richmond is so vastly in excess of that in the Tweed and Brunswick, part of the present electorate, that we in this northern portion are virtually disfranchised, as we can be totally outvoted in the election of Parliamentary representatives, and therefore our various local and other requirements do not meet with attention to which they are entitled.
- 4th. The number of electors on the roll for 1889–1890 in this portion of the electorate which seek to have it erected into a separate electorate is 1,152.
- 5th. That the fact of granting us the concession we ask would not increase the number of representatives in Parliament, as it reduces the number returnable for The Richmond to two.
- 6th. That a conference of delegates from the Progress Associations throughout the whole electorate, held at Lismore on the 30th January last, unanimously resolved that it would be beneficial to the whole electorate to divide it as we request.
- 7th. That the several candidates seeking election expressed the opinion that the electorate as at present is too large to allow of proper representation.

And your Petitioners pray that you will take the foregoing facts into your favourable consideration and afford the relief desired.

And your Petitioners will ever pray.

[Here follow 348 signatures.]

1889.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTORAL DISTRICT OF MONARO.

(PETITION FROM CERTAIN ELECTORS PRAYING FOR A DIVISION OF THE).

Received by the Legislative Assembly, 28 May, 1889.

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

The humble Petition of the undersigned Electors of the Electorate of Monaro,—

RESPECTFULLY SHOWETH:—

1. That the Electorate of Monaro has at present on the Electoral Roll 3,640 voters.
2. That such electorate is of so large a geographical extent that it includes two distinct centres of activity, one being Bombala, and the other Cooma, while the distance between the various polling-places of the southern portion and those of the northern is so great that a consensus of opinion upon political questions cannot be achieved by the usual channel of frequent interchange of views.
3. That Southern Monaro (of which Bombala is the centre) has always been and probably will continue to be divided from Northern Monaro (of which Cooma is the centre) by a divergence of interests and a dissimilarity in sentiment, and that the expansion clause of the Electoral Act will tend to accentuate the evil by giving increased representation to the Northern District, which has a majority of the electors, and more complete a disfranchisement to the Southern District, which contains a smaller number of voters.
4. That the electorate comprises so large an area of country that it necessarily imposes upon candidates for its suffrages a considerable expenditure of time, labour, and money, thus tending to limit the field of choice of voters when electing Members for the constituency.
5. That the Bombala portion of the said electorate, which is comprised within the Police District boundaries, has on the Electoral Roll no less than 1,062 voters, with every indication of a large yearly increase in number.
6. That the Electoral representation of Monaro would be more effective and faithful in its results if the electorate were divided into two electorates, each returning one Member.

Your Petitioners therefore humbly pray that the Electorate of Monaro be divided into two electorates, one comprising the Police District of Cooma, and the other the Police District of Bombala, or otherwise as to your Honorable House may seem expedient.

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

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

[Here follow 708 signatures.]