

Sessional Papers

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 1

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

THURSDAY, 8 APRIL, 1858.

No. 1.

SUPPLY—ESTIMATES FOR 1858.

(Registrar General's Establishment)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £700, to defray the Salary of the Registrar General, for the year 1858. (*Mr. Cooper.*)

Motion made and Question put,—That there be granted a sum not exceeding £600 for this service (being £100 less than the original Estimate.) (*Mr. Piddington.*)

Committee divided.

Ayes, 6.

Mr. Cribb,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Alcorn,
Mr. Piddington, } Tellers.
Mr. Owen,

Noes, 30.

Mr. Dalley,
Mr. White,
Mr. Hay,
Mr. Macarthur,
Mr. Parkes,
Mr. Smith,
Mr. Williamson,
Mr. Tooth,
Mr. Richardson,
Mr. R. Campbell,
Mr. Robertson,
Mr. Scott,
Mr. Dickson,
Mr. W. Macleay,
Mr. Hodgson,
Mr. Jenkins,
Mr. Taylor,
Mr. Weekes,
Mr. Jones,
Mr. Lloyd,
Mr. Jamison,
Mr. Paterson,
Mr. Lee,
Mr. Oakes,
Mr. G. Macleay,
Mr. Thornton,
Mr. Forster,
Mr. Rotton,
Mr. Cowper, } Tellers.
Dr. Bowker,

Original Question put and carried.

No. 2.

(Post Office.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £21,880, to defray the salaries of the Post Office Establishment, for the year 1858, (being a reduction of £400 on the original Estimate, produced by the following modification thereof, viz. :—The item, "Railway Guards (Southern and Northern) at £150, 2, £300," altered to "Mail Guards, at £150, 6, "£900,"—and the item proposing 3 Inspectors, at £500 each, £1,500, altered to 1 Inspector, £500.) (*Mr. Cowper.*)

Motion made and Question put,—That there be granted a sum not exceeding £21,730 for this service (being a reduction of £150 on the *reduced* Estimate, viz. :—on the proposed salary of the Postmaster General.) (*Mr. Williamson.*)
Committee divided.

Ayes, 6.

Mr. Owen,
Mr. Williamson,
Mr. Rotton,
Mr. Forster,
Mr. Cribb,
Mr. Robertson, } Tellers.

Noes, 25.

Mr. Cowper,
Mr. White,
Mr. Tooth,
Mr. Hay,
Mr. Macarthur,
Mr. Smith,
Mr. Taylor,
Mr. Jamison,
Mr. Gordon,
Mr. G. Macleay,
Mr. Thornton,
Mr. Byrnes,
Mr. Weekes,
Mr. Jones,
Mr. Dalley,
Mr. Piddington,
Mr. Dickson,
Mr. Lee,
Mr. W. Macleay,
Mr. Parkes,
Mr. Scott,
Mr. Marks,
Mr. Oakes,
Mr. R. Campbell, } Tellers.
Mr. Hodgson,

Original Question put and carried.

FRIDAY, 9 APRIL, 1858.

No. 3.

MAIN ROADS BILL.

Clause 10. All necessary and reasonable expenses costs and charges incurred in and relating to the upholding maintaining repairing fencing and managing the said three main roads or any part thereof and in and relating to the collection of tolls thereon under and by virtue of this Act shall be defrayed by payments from the Colonial Treasury out of the Consolidated Revenue.—
Read.

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

An Amendment having been proposed, and withdrawn, (Mr. Jones), and a Question for the postponement of the further consideration of the Clause, (Mr. Hay), having been put and negatived,—

Original Question put.

Committee divided.

Ayes, 19.

Mr. Cowper,
Mr. R. Campbell,
Mr. White,
Mr. Cribb,
Mr. Denichy,
Mr. Dalley,
Mr. Oakes,
Mr. Byrnes,
Mr. Buckley,
Mr. Lee,
Mr. Rotton,
Mr. Jamison,
Dr. Bowker,
Mr. Piddington,
Mr. Dickson,
Mr. J. Campbell,
Mr. Jones,
Mr. Robertson, } Tellers.
Mr. Parkes,

Noes, 13.

Mr. Tooth,
Mr. Faucett,
Mr. Hay,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Suttor,
Mr. Forster,
Mr. Taylor,
Mr. Marks,
Mr. Paterson,
Mr. Wild,
Mr. Jenkins, } Tellers.
Mr. W. Macleay,

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 2.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

WEDNESDAY, 14 APRIL, 1858.

No. 1.

MAIN ROADS BILL.

SCHEDULE.

Section 1. THE GREAT WESTERN ROAD—From Sydney *via* Parramatta Penrith Hartley and Bathurst to Wellington.

Section 2. THE GREAT SOUTHERN ROAD—From the Great Western Road at the fifth mile stone from Sydney *via* Liverpool Camden Berrima Goulburn Yass and Gundagai to Albury.

Section 3. THE GREAT NORTHERN ROAD—From a point in Swan-street in the Town of Morpeth one hundred yards easterly from the junction of George-street *via* Maitland Singleton Muswellbrook Scone Murrurundi and Tamworth to Armidale.—*Read.*

Question proposed,—That Section 1, as read, stand part of the Schedule. (*Mr. Robertson.*)

Amendment proposed,—That the words "*Sydney via*" be omitted. (*Mr. Jenkins.*)

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

Ayes, 17.

Mr. Cowper,
Mr. R. Campbell,
Mr. Weckes,
Mr. Richardson,
Mr. Cribb,
Mr. Dickson,
Mr. Marks,
Mr. Williamson,
Mr. Gordon,
Mr. Byrnes,
Mr. Parkes,
Mr. Oakes,
Mr. Scott,
Mr. Aldcorn,
Mr. J. Campbell,
Mr. Robertson, } Tellers.
Mr. Jones, }

Nocs, 19.

Mr. Hay,
Mr. Hodgson,
Mr. Lloyd,
Mr. Donaldson,
Mr. Rotton,
Mr. Tooth,
Mr. Taylor,
Mr. Paterson,
Mr. White,
Mr. W. Macleay,
Mr. Lee,
Mr. Forster,
Mr. Owen,
Mr. Smith,
Mr. Wild,
Dr. Bowker,
Mr. Suttor,
Mr. Jenkins, } Tellers.
Mr. G. Macleay, }

No. 2.

The word "via" having been inserted (formally) between "Parramatta" and "Penrith."

(Mr. Jones.) :—

Motion made and Question put,—That the Section be further amended by inserting at the end thereof, the words,—“from Bathurst to Carcoar, from Bathurst to Sofala, and from Hartley to Mudgee.” (Mr. Rotton.)

Committee divided.

Ayes, 2.

Mr. Rotton, } Tellers.
Mr. Lee, }

Noes, 37.

Mr. Robertson,
Mr. Cowper,
Mr. J. Campbell,
Mr. Byrnes,
Mr. R. Campbell,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Lloyd,
Mr. Buckley,
Mr. Piddington,
Mr. Weekes,
Mr. Williamson,
Mr. White,
Mr. Oakes,
Mr. W. Macleay,
Mr. Paterson,
Mr. Dickson,
Mr. Flood,
Mr. Forster,
Mr. Dalley,
Mr. Egan,
Mr. Gordon,
Mr. Smith,
Mr. Scott,
Mr. Cribb,
Mr. Marks,
Mr. Richardson,
Mr. Parkes,
Mr. Hay,
Mr. Hodgson,
Mr. Suttor,
Dr. Bowker,
Mr. Jenkins,
Mr. Wild,
Mr. Taylor,
Mr. Alcorn, } Tellers.
Mr. Owen, }

Section 1, as amended, carried.

No. 3.

Question proposed,—That Section 2, as read, stand part of the Schedule. (Mr. Robertson)

Amendment proposed,—That the words “the Great Western Road at the fifth mile—stone from Sydney via Liverpool” be omitted, with a view to the insertion in their place of the words “Campbelltown via.” (Mr. Taylor.)

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

Committee divided.

Ayes, 27.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Jones,
Mr. Byrnes,
Mr. Dalley,
Mr. Gordon,
Mr. Cribb,
Mr. Scott,
Mr. Macarthur,
Mr. Oakes,
Mr. Faucett,
Mr. Egan,
Mr. Hodgson,
Mr. Marks,
Mr. Dickson,
Mr. Buckley,
Mr. Owen,
Mr. Williamson,
Mr. Alcorn,
Mr. Piddington,
Mr. J. Campbell,
Mr. Flood,
Mr. Weekes,
Mr. Richardson,
Mr. Parkes, } Tellers.
Mr. Robertson, }

Noes, 15.

Mr. Donaldson,
Mr. Rotton,
Mr. Jenkins,
Mr. Hay,
Mr. Smith,
Mr. White,
Mr. Paterson,
Mr. Lee,
Mr. Forster,
Mr. W. Macleay,
Mr. Wild,
Dr. Bowker,
Mr. Suttor,
Mr. Taylor, } Tellers.
Mr. G. Macleay, }

Original Question put and carried.

Section 3 carried without amendment. (Mr. Robertson.)

No. 4.

The Bill being under re-committal, with a view to the further consideration of the first Section of the Schedule :—

Section 1 of Schedule (as amended) :—“I. THE GREAT WESTERN ROAD—from “Parramatta via Penrith, Hartley, and Bathurst to Wellington”—Read.

Motion

Motion made and Question put,—That the Section be further amended by the insertion of the words "Sydney via" before the word "Parramatta."

Committee divided.
Ayes, 21.

- Mr. Cowper,
- Mr. R. Campbell,
- Mr. Williamson,
- Mr. Cribb,
- Mr. Parkes,
- Mr. Weckes,
- Mr. Lee,
- Mr. Marks,
- Mr. Flood,
- Mr. Buckley,
- Mr. Gordon,
- Mr. Egan,
- Mr. Byrnes,
- Mr. Scott,
- Mr. Oakes,
- Mr. Dickson,
- Mr. Piddington,
- Mr. J. Campbell,
- Mr. Macarthur,
- Mr. Jones,
- Mr. Robertson, } Tellers.

- Noes, 12.
- Mr. G. Macleay,
- Mr. Hodgson,
- Mr. Smith,
- Mr. Suttor,
- Mr. Rotton,
- Mr. Taylor,
- Mr. Forster,
- Mr. White,
- Dr. Bowker,
- Mr. Wild,
- Mr. Hay,
- Mr. Donaldson, } Tellers.

The word "via" between "Parramatta" and "Penrith" having been expunged (Mr. Piddington); Section 1, as further amended, (i. e. as restored to the original wording), carried. (Mr. Robertson.)

THURSDAY, 15 APRIL, 1858.

No. 5.

SUPPLY—POLICE GUARD FOR COCKATOO ISLAND.

(Message from His Excellency the Governor General, read; viz. :)

W. DENISON,
Governor General.

Message No. 4.

The withdrawal from the Colony of a large portion of the Troops will render it impossible to furnish a Military Guard for the Penal Establishment at Cockatoo Island, and it becomes necessary, in consequence, to provide immediately for this Service by a re-organization of the Police Force.

The annual expense to the Colony of the present Military Guard and Police at Cockatoo Island is £3,698 14s.; and that of the Police Force proposed to be substituted is estimated at £4,615 13s. 9d., as explained by the accompanying statement;* and the Governor General invites the Legislative Assembly to make provision for the additional sum of £916 19s. 9d., which will be required to carry this arrangement into effect.

Government House,
Sydney, 13 April, 1858.

Motion made and Question put (with reference to the Message as read),—That there be granted to Her Majesty a sum not exceeding £4,615 13s. 9d., to defray the Expense of the Police Guard for Cockatoo Island, for the year 1858.

(Mr. Cowper.)

Committee divided.

Ayes, 31.

- Mr. Cowper,
- Mr. Robertson,
- Mr. Scott,
- Mr. Williamson,
- Mr. Cribb,
- Mr. Rotton,
- Mr. Smith,
- Mr. Owen,
- Mr. Donaldson,
- Mr. Suttor,
- Mr. J. Campbell,
- Mr. Aldeorn,
- Mr. Denichy,
- Mr. Jamison,
- Mr. Jones,
- Mr. Dalley,
- Mr. Lord,
- Mr. White,
- Dr. Bowker,
- Mr. Taylor,
- Mr. Hay,
- Mr. Jenkins,
- Mr. Tooth,
- Mr. Forster,
- Mr. Hodgson,
- Mr. Flood,
- Mr. Marks,
- Mr. Lloyd,
- Mr. Buckley,
- Mr. R. Campbell,
- Mr. Weckes, } Tellers.

- Noes, 9.
- Mr. W. Macleay,
- Mr. Egan,
- Mr. Richardson,
- Mr. Piddington,
- Mr. Dickson,
- Mr. Paterson,
- Mr. Lee,
- Mr. Gordon,
- Mr. Parkes, } Tellers.

No.

* Annexed to Message as printed by Order of the House, on 13 instant, as one of the papers of the Session.

No. 6.

SUPPLY—ESTIMATES FOR 1858.

(Immigration.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £700, to defray the salary of the Agent for Immigration at Sydney, for the year 1858. (*Mr. Cowper*)

Motion made and Question put,—That there be granted a sum not exceeding £650, for this service, (being £50 less than the Original Estimate.) (*Mr. Parkes.*)

Committee divided.

Ayes, 25.

Mr. Byrnes,
Mr. Scott,
Mr. Cribb,
Mr. Flood,
Mr. Parkes,
Mr. Owen,
Mr. Jamison,
Mr. Williamson,
Mr. White,
Mr. Lee,
Dr. Bowker,
Mr. Forster,
Mr. Joacs,
Mr. Richardson,
Mr. Jenkins,
Mr. Dalley,
Mr. Dickson,
Mr. Egan,
Mr. Doniely,
Mr. Piddington,
Mr. Rotton,
Mr. Aldcorn,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Weekes, }

Noes, 18.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Donaldson,
Mr. Suttor,
Mr. Hodgson,
Mr. G. Macleay,
Mr. Tooth,
Mr. W. Macleay,
Mr. Hay,
Mr. Buckley,
Mr. Lloyd,
Mr. Paterson,
Mr. Martin,
Mr. Taylor,
Mr. Thornton,
Mr. Smith, } Tellers.
Mr. Wild, }

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 3.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

WEDNESDAY, 21 APRIL, 1858.

No. 1.

PROPOSED DESPATCH OF ARTILLERY TO INDIA.

Address (as proposed in the Report of the Select Committee appointed on the 16th instant,) in reply to the Governor General's Answer to the Assembly's Address relative to the proposed Despatch of the Company of Artillery to India,—
Read, viz. :—

"TO HIS EXCELLENCY SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia and Western Australia, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same.

"MAY IT PLEASE YOUR EXCELLENCY :—

"(1.) We, Her Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of New South Wales in Parliament assembled, having had under consideration Your Excellency's Reply to the Address of this House, bearing date 15 April, in reference to the proposed despatch of the Company of Artillery to India, regret that Your Excellency should have been advised to express yourself therein in terms which appear to us calculated to impair the cordiality which it is obviously essential should be maintained between the several branches of the Legislature.

"(2.) Truth and the dignity of this House alike require that we should in the most emphatic manner declare, that there is neither justice nor correctness in the imputations which would seem to be conveyed in Your Excellency's statements, to the effect that 'we have entirely altered our opinion as to the policy of the measures adopted by the Government for affording assistance to our countrymen in India,' and that after 'recording in the most unqualified terms our approval of the course adopted by the Government,' we have, so far from offering any assistance to the Government of India, shown every disposition to withhold that aid which the Government and the Military authorities are alike convinced might safely and advantageously be afforded.'

"(3.) We think it unnecessary, on the present occasion, to repeat our assurances of sympathy with our fellow subjects in India, or of our willingness to furnish every assistance in our power, should any necessity arise.

"(4.) It is, at the same time, a source of satisfaction to us to learn that Your Excellency has, in compliance with our request, suggested to the Major General in command of the Troops, that, until further advices may arrive from India, the Artillery may be allowed to remain in Sydney."

"Legislative Assembly Chamber,
Sydney, 20 April, 1858."

It having been agreed that the proposed Address should be considered paragraph by paragraph, and Paragraph (1) having been amended by the substitution of the word "Answer" for "Reply," and of the word "desirable" for "obviously essential,"—and a further amendment (Mr. Donaldson) having been proposed and withdrawn;—

Motion made and Question put,—That Paragraph (1), *as amended*, stand part of the Address. (*Mr. Thornton.*)
Committee divided.

Ayes, 35.

Mr. Wild,
Mr. Thornton,
Mr. G. Macleay,
Mr. Hay,
Mr. Smith,
Mr. Owen,
Mr. Williamson,
Mr. Cribb,
Mr. White,
Mr. Taylor,
Mr. Scott,
Mr. Gordon,
Mr. Cox,
Mr. Marks,
Mr. Weekes,
Mr. Dickson,
Mr. Jenkins,
Mr. Parkes,
Mr. W. Macleay,
Mr. Lee,
Mr. Murray,
Dr. Bowker,
Mr. Jamison,
Mr. Macarthur,
Mr. Moriarty,
Mr. Forster,
Mr. Flood,
Mr. Oakes,
Mr. Deniehy,
Mr. Aldcorn,
Mr. Piddington,
Mr. Suttor,
Mr. Donaldson,
Mr. Jones, } Tellers.
Mr. Hodgson, }

Noes, 8.

Mr. Dalley,
Mr. Martin,
Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Rotton, } Tellers.
Mr. Buckley, }

No. 2.

Question proposed,—That Paragraph (2), *as read*, stand part of the Address. (*Mr. Thornton.*)

A new Paragraph, in substitution, having been proposed and withdrawn. (*Mr. Parkes.*)

Amendment proposed,—That the words "Truth and the dignity of this House" alike require that we should in the most emphatic manner declare, that "there is neither justice nor correctness in the imputations which would seem to be conveyed in Your Excellency's statements, to the effect" be omitted, with a view to the insertion, in their place, of the words "A due regard to the character and dignity of this House requires that we should in the most emphatic manner declare, that there is neither justice nor correctness in the imputations" (*Mr. Jones.*)

And the Committee having continued to sit till after midnight,—

THURSDAY, 22 APRIL, 1858, A. M.

And the Question,—That the words proposed to be omitted stand part of the Paragraph—having been put and negatived;—

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

Committee divided.

Ayes, 26.

Mr. Hay,
Mr. Scott,
Mr. Owen,
Mr. Williamson,
Mr. Smith,
Mr. Hodgson,
Mr. White,
Mr. G. Macleay,
Mr. W. Macleay,
Dr. Bowker,
Mr. Thornton,
Mr. Forster,
Mr. Moriarty,
Mr. Lee,
Mr. Jenkins,
Mr. Cox,
Mr. Jamison,
Mr. Macarthur,
Mr. Taylor,
Mr. Piddington,
Mr. Murray,
Mr. Deniehy,
Mr. Donaldson,
Mr. Suttor,
Mr. Wild, } Tellers.
Mr. Jones, }

Noes, 17.

Mr. Robertson,
Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Rotton,
Mr. Buckley,
Mr. Cribb,
Mr. Weekes,
Mr. Marks,
Mr. Oakes,
Mr. Flood,
Mr. Dickson,
Mr. Parkes,
Mr. Dalley,
Mr. Aldcorn,
Mr. J. Campbell, } Tellers.
Mr. Egau, }

No.

No. 3.

Whereupon Motion made and Question put,—That Paragraph (2), *as amended*, stand part of the Address.
Committee divided.

Ayes, 26.

Mr. Hay,
Mr. Scott,
Mr. Owen,
Mr. Williamson,
Mr. Smith,
Mr. Hodgson,
Mr. White,
Mr. G. Macleay,
Dr. Bowker,
Mr. Thornton,
Mr. W. Macleay,
Mr. Forster,
Mr. Moriarty,
Mr. Lee,
Mr. Jenkins,
Mr. Cox,
Mr. Jamison,
Mr. Macarthur,
Mr. Taylor,
Mr. Piddington,
Mr. Murray,
Mr. Deniehy,
Mr. Donaldson,
Mr. Suttor,
Mr. Jones, } Tellers.
Mr. Wild, }

Noes, 17.

Mr. R. Campbell,
Mr. Robertson,
Mr. Cowper,
Mr. Martin,
Mr. Cribb,
Mr. Weckes,
Mr. Marks,
Mr. Flood,
Mr. Oakes,
Mr. Dickson,
Mr. Parkes,
Mr. Dalley,
Mr. Egan,
Mr. J. Campbell,
Mr. Aldcorn,
Mr. Buckley, } Tellers.
Mr. Rotton, }

No. 4.

Motion made and Question put,—That leave be granted to withdraw Paragraph (3.)
(*Mr. Thornton.*)

Committee divided.

Ayes, 28.

Mr. Scott,
Mr. Owen,
Mr. Williamson,
Mr. Smith,
Mr. Hodgson,
Mr. White,
Mr. G. Macleay,
Mr. Thornton,
Mr. Egan,
Mr. Suttor,
Mr. Donaldson,
Mr. Buckley,
Mr. Flood,
Mr. Parkes,
Mr. Dickson,
Mr. Moriarty,
Mr. Forster,
Mr. W. Macleay,
Mr. Cribb,
Mr. Weckes,
Mr. Rotton,
Mr. Lee,
Mr. Jenkins,
Mr. Cox,
Mr. Jamison,
Mr. Oakes,
Mr. Hay, } Tellers.
Mr. Jones, }

Noes, 9.

Mr. Wild,
Mr. Murray,
Mr. Deniehy,
Mr. Piddington,
Mr. Macarthur,
Mr. Taylor,
Mr. Marks,
Dr. Bowker, } Tellers.
Mr. J. Campbell, }

Paragraph 4 having been withdrawn by leave;—(Mr. Thornton.)

On motion of Mr. Thornton, the Chairman left the Chair to report the Address as agreed to by the Committee, viz:—

“ To His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same.

“ MAY IT PLEASE YOUR EXCELLENCY,—

“ We, Her Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of New South Wales, in Parliament Assembled, having had under consideration Your Excellency's Answer to the Address of this House bearing date 15 April, in reference to the proposed despatch of the Company of Artillery to India, regret that your Excellency should have been advised to express yourself therein in terms which appear to us calculated to impair the cordiality which it is desirable should be maintained between the several branches of the Legislature.

“ A

"A due regard to the character and dignity of this House requires that we should, in the most emphatic manner, declare that there is neither justice nor correctness in the imputations, that we have entirely altered our opinion as to the policy of the measures adopted by the Government for affording assistance to our countrymen in India, and that after recording, in the most unqualified terms, our approval of the course adopted by the Government, we have, so far from offering any assistance to the Government of India, shown every disposition to withhold that aid which the Government and the Military authorities are alike convinced might safely and advantageously be afforded.

*"Legislative Assembly Chamber,
Sydney, 22 April, 1858."*

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 4.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

THURSDAY, 29 APRIL, 1858.

No. 1.

SUPPLY—ESTIMATES FOR 1858.

(Horse Patrol—Country Districts.)

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £12,025 3s. 9d. to defray the Salaries and Contingencies of the Horse Patrol in Country Districts, for the year 1858. (*Mr. Cowper.*)
Committee divided.

Ayes, 24.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Martin,
Mr. Cox,
Mr. Egan,
Mr. Richardson,
Mr. Buckley,
Mr. Taylor,
Mr. Lee,
Mr. Flood,
Mr. Faucett,
Mr. Hodgson,
Mr. Hay,
Mr. Dalley,
Mr. Parkes,
Mr. Moriarty,
Mr. Jenkins,
Mr. White,
Mr. Aldcorn,
Mr. Sutor,
Mr. Forster,
Mr. Piddington, } Tellers.
Mr. Rotton, }

Noes, 4.

Mr. Cribb,
Mr. J. Campbell,
Mr. Dickson, } Tellers.
Mr. Jones, }

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

THURSDAY, 13 MAY, 1858.

No. 1.

FRAUDULENT TRUSTEES AND BANKERS BETTER PUNISHMENT BILL. (*Re-committal for reconsideration of Clause 13.*)

Clause 13. No proceeding or prosecution for any offence included in the first section but not included in any other section of this Act shall be commenced without the sanction of Her Majesty's Attorney General or in case that office be vacant of Her Majesty's Solicitor General.

An Amendment having been proposed and withdrawn. (Mr. Martin.)

Motion made and Question put, That this Clause be expunged. (*Mr. Forster.*)

Committee divided.

Ayes, 4.

Mr. Byrnes,
Mr. Marks,
Mr. Forster, } Tellers.
Mr. Murray, }

Noes, 26.

Mr. Cowper,
Mr. Martin,
Mr. Hay,
Mr. Robertson,
Mr. Owen,
Mr. G. Macleay,
Mr. Richardson,
Mr. Dickson,
Mr. Weekes,
Mr. Thornton,
Mr. Cribb,
Mr. Cox,
Mr. Lee,
Mr. Buckley,
Mr. White,
Dr. Bowker,
Mr. Piddington,
Mr. Rotton,
Mr. Tooth,
Mr. Smith,
Mr. R. Campbell,
Mr. Egan,
Mr. J. Campbell,
Mr. Donaldson,
Mr. Jones, } Tellers.
Mr. Dalley, }

Clause subsequently amended by the addition of the following proviso:—"Provided that where any civil proceeding shall have been taken against any person to whom the provisions of the said first section but not of any other section of this Act may apply no person who shall have taken such civil proceeding shall commence any prosecution under this Act without the sanction of the Court or Judge before whom such civil proceeding shall have been had or shall be pending;"—*and, as so amended, carried. (Mr. Martin.)*

No. 2.

SUPPLY—ESTIMATES FOR 1858.

(Municipal Institutions.)

Motion made and question put, That there be granted to Her Majesty, in the year 1858, a sum not exceeding £10,000, for the City of Sydney, in aid of City Funds. (*Mr. Cowper.*)

Committee divided.

Ayes, 20.

Mr. Dalley,
 Mr. Lee,
 Mr. Jamison,
 Mr. Egan,
 Mr. Weekes,
 Mr. Piddington,
 Mr. Cribb,
 Mr. Martin,
 Mr. Jones,
 Mr. Buckley,
 Mr. Robertson,
 Mr. R. Campbell,
 Mr. Cowper,
 Dr. Bowker,
 Mr. J. Campbell,
 Mr. White,
 Mr. Gordon,
 Mr. Smith,
 Mr. Owen, } Tellers.
 Mr. Rotton, }

Noes, 7.

Mr. W. Macleay,
 Mr. Forster,
 Mr. Paterson,
 Mr. Cox,
 Mr. Byrnes,
 Mr. Hodgson, } Tellers.
 Mr. Donaldson, }

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 6.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 18 MAY, 1858.

No. 1.

AFFILIATED COLLEGES PARTIAL ENDOWMENT ACT AMENDMENT BILL.

Motion made and Question put,—That the following new Clause stand part of the Bill, to follow Clause 1 as carried, viz. :—

2. The Preamble of the said Affiliated Colleges Act shall be and the same is hereby repealed and the preamble to be substituted in lieu thereof shall be as follows :—Whereas it is expedient to encourage and assist the Establishment of Colleges within the University of Sydney in which Colleges domestic supervision with efficient assistance in preparing for the University lectures and examinations shall be provided for Students of the University Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows :—

(Mr Dalley.)

Committee divided.
Ayes, 12.

Noes, 24.

- Mr. Robertson,
- Mr. Owen,
- Mr. Gordon,
- Mr. Richardson,
- Mr. Williamson,
- Mr. Cribb,
- Mr. Rotton,
- Mr. Thornton,
- Mr. Flood,
- Mr. Egan,
- Mr. Dalley,
- Mr. Forster.

} Tellers.

- Mr. Cowper,
- Mr. Martin,
- Mr. Hay,
- Mr. Donaldson,
- Mr. Smith,
- Mr. Faucett,
- Mr. Weekes,
- Mr. G. Macleay,
- Mr. Paterson,
- Mr. Taylor,
- Mr. Moriarty,
- Mr. W. Macleay,
- Mr. Murray,
- Mr. Deniehy,
- Mr. Jones,
- Mr. Cox,
- Mr. Parkes,
- Mr. Piddington,
- Mr. White,
- Dr. Bowker,
- Mr. R. Campbell,
- Mr. Hodgson,
- Mr. Macartbur,
- Mr. J. Campbell.

} Tellers.

THURSDAY, 20 MAY, 1858.

No. 2.

CHINESE IMMIGRATION BILL.

Clause 1, (as amended). In the interpretation of this Act the following words shall unless inconsistent with or repugnant to the context have the respective meanings hereby assigned to them :—

The word "Master" shall be held to apply to any person in command of any vessel. The word "ship" shall mean any sea-going vessel of any kind or description.

The word "tonnage" shall signify tonnage according to the measurement fixed by the Merchant Shipping Act 1854.

And the word "Chinese" shall mean any native of China or its dependencies or of any island in the *Chinese Seas* or any person born of "Chinese parents" *but shall not apply to any of the crew of such ship.*

Motion made and Question put,—That the clause be further amended by the insertion after the words *Chinese Seas* of the words "not born of British parents." (*Mr. Cowper.*)

Committee divided.

Ayes, 16.

Mr. Cowper,
Mr. R. Campbell,
Mr. Martin,
Mr. Robertson,
Mr. Parkes,
Mr. Gordon,
Mr. Piddington,
Mr. Egan,
Mr. Flood,
Dr. Bowker,
Mr. Jenkins,
Mr. White,
Mr. J. Campbell,
Mr. Cribb,
Mr. Weekes, } Tellers.
Mr. Rotton, }

Noes, 13.

Mr. Smith,
Mr. Williamson,
Mr. Hay,
Mr. G. Macleay,
Mr. Thornton,
Mr. Jones,
Mr. Owen,
Mr. Wild,
Mr. Dickson,
Mr. W. Macleay,
Mr. Taylor,
Mr. Faucett, } Tellers.
Mr. Forster, }

No. 3.

The concluding words (in Italic) having been omitted. (*Mr. Cowper.*)

Motion made and Question put,—That the Clause be further amended by the addition "after the words Chinese parents" of the words "and not being a British subject." (*Mr. Forster.*)

Committee divided.

Ayes, 10.

Mr. Forster,
Mr. Hay,
Mr. G. Macleay,
Mr. Owen,
Mr. Wild,
Mr. Taylor,
Mr. W. Macleay,
Mr. J. Campbell,
Mr. Faucett, } Tellers.
Mr. Williamson, }

Noes, 17.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. Piddington,
Mr. Parkes,
Mr. Jones,
Mr. Gordon,
Mr. White,
Mr. Rotton,
Mr. Cribb,
Mr. R. Campbell,
Mr. Dickson,
Mr. Weekes,
Mr. Egan,
Mr. Flood,
Mr. Smith, } Tellers.
Mr. Thornton, }

Clause, as so amended, carried; the last paragraph standing thus:—

And the word "Chinese" shall mean any native of China or its dependencies or of any island in the Chinese Seas not born of British parents or any person born of Chinese parents.

No. 4.

Clause 3. If any ship shall arrive in any port in New South Wales having on board a greater number of passengers including the master and crew and cabin passengers than in the proportion of one person to every "two" tons of the tonnage of such ship and any of such passengers shall be *Chinese* the owner charterer or master of such ship shall be liable on conviction to a penalty not exceeding ten pounds for each passenger so carried in excess,—*Read.*

Question proposed,—That the Clause be amended, by the omission of the word "two," with a view to the insertion in its place of the word "three." (*Mr. Cowper.*)

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

Committee divided.

Ayes, 11.

Mr. Williamson,
Mr. Jenkins,
Mr. Piddington,
Mr. W. Macleay,
Mr. Forster,
Mr. Owen,
Mr. Flood,
Mr. G. Macleay,
Mr. Hay,
Mr. Faucett, } Tellers.
Mr. Rotton, }

Noes, 10.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Mr. Jones,
Mr. Smith,
Mr. Cribb,
Mr. J. Campbell,
Mr. Parkes, } Tellers.
Mr. Thornton, }

Clause, as read, carried. (*Mr. Cowper.*)

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 7.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

THURSDAY, 27 MAY, 1858.

No. 1.

SUPPLY—ESTIMATES FOR 1858.

(Light Houses, Harbours, and Pilot Department)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £9.9 10s., to defray the Salaries and Contingencies of the Floating Light Establishment at Moreton Bay, for the year 1858, (being £16 less than the Original Estimate. *(Mr. R. Campbell.)*)

Motion made, and Question put.—That there be granted a sum not exceeding £884 for this Service, (being £45 10s. less than the reduced Estimate.) *(Mr. Rotton.)*
Committee divided.

Ayes, 3.

Mr. Murray,
Mr. Egan, } Tellers.
Mr. Rotton, }

Noes, 18.

Mr. Cowper,
Mr. Owen,
Mr. Robertson,
Mr. Smith,
Mr. Forster,
Mr. Gordon,
Mr. Dickson,
Mr. Richardson,
Mr. Marks,
Mr. Moriarty,
Mr. Byrnes,
Mr. White,
Mr. Deniehy,
Mr. J. Campbell,
Mr. R. Campbell,
Dr. Bowker,
Mr. Weekes, } Tellers.
Mr. Williamson, }

FRIDAY, 28 MAY, 1858.

No. 2.

(Port Curtis Establishment)

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £700, to defray the Salaries and Contingencies of the Port Curtis Establishment, for the year 1858. *(Mr. R. Campbell.)*

Committee divided.

Ayes, 20.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Parkes,
Mr. Byrnes,
Mr. White,
Mr. Cribb,
Mr. Aldeorn,
Mr. Weekes,
Mr. Rotton,
Mr. Piddington,
Mr. Moriarty,
Mr. Faucett,
Mr. Lee,
Mr. Suttor,
Mr. Hay,
Mr. Donaldson,
Mr. Egan,
Mr. Jones, } Tellers.
Mr. Dalley, }

Noes, 4.

Mr. Forster,
Mr. Williamson,
Mr. Thornton, } Tellers.
Mr. Gordon, }

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 8.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES)

SESSION OF 1858.

TUESDAY, 1 JUNE, 1858.

No. 1.

ELECTORAL LAW AMENDMENT BILL.

Clause 2. The Electoral Act of 1851—the Act of Council eighteenth Victoria number five—the tenth eleventh twelfth thirteenth fourteenth sixteenth twentieth and twenty-seventh sections of the Constitution Act assented to by Her Majesty under the authority of the Imperial Act of Parliament eighteenth and nineteenth Victoria chapter fifty-four—shall be repealed,—*Read.*

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

Amendment proposed,—That all the words in Italic be omitted. (*Mr. Macarthur.*)

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

Committee divided.

Ayes, 28.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Owen,
Mr. Williamson,
Mr. Doniehy,
Mr. Dalley,
Mr. Parkes,
Mr. Piddington,
Mr. Flood,
Mr. Forster,
Mr. Weekes,
Mr. Egan,
Mr. Rotton,
Mr. Richardson,
Mr. Thornton,
Mr. Byrnes,
Mr. Jamison,
Mr. Scott,
Mr. Cribb,
Mr. White,
Mr. J. Campbell,
Mr. Aldcorn,
Mr. Oakes,
Mr. Gordon,
Mr. Marks,
Mr. Dickson, } Tellers.
Mr. Jones, }

Noes, 19.

Mr. G. Macleay,
Mr. Faucett,
Mr. Jenkins,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Lord,
Mr. Moriarty,
Mr. Taylor,
Mr. Paterson,
Mr. Lee,
Mr. Cox,
Mr. Lloyd,
Mr. Suttor,
Mr. Wild,
Mr. Smith,
Mr. Tooth,
Mr. Hodgson,
Mr. Hay, } Tellers.
Mr. Donaldson, }

No. 2.

Original Question put.
Committee divided.

Ayes, 27.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Williamson,
Mr. Denichy,
Mr. Dalley,
Mr. Parkes,
Mr. Piddington,
Mr. Forster,
Mr. Weckes,
Mr. Egan,
Mr. Rotton,
Mr. Thornton,
Mr. Richardson,
Mr. Byrnes,
Mr. Flood,
Mr. Jamison,
Mr. Scott,
Mr. Cribb,
Mr. White,
Mr. J. Campbell,
Mr. Aldcorn,
Mr. Oakes,
Mr. Gordon,
Mr. Marks,
Mr. Dickson, } Tellers.
Mr. Jones, }

Nocs, 20.

Mr. Faucett,
Mr. Macarthur,
Mr. Jenkins,
Mr. Owen,
Mr. W. Macleay,
Mr. G. Macleay,
Mr. Lord,
Mr. Moriarty,
Mr. Taylor,
Mr. Hodgson,
Mr. Tooth,
Mr. Smith,
Mr. Wild,
Mr. Suttor,
Mr. Lloyd,
Mr. Cox,
Mr. Paterson,
Mr. Lee,
Mr. Hay,
Mr. Donaldson, } Tellers.

WEDNESDAY, 2 JUNE, 1858.

No. 3.

SAME BILL.

Clause 4. The Colony shall be divided into the *Electoral Districts* named in the first column of the next following Table And such *Districts* shall severally comprise and consist of the *Police Districts* and portions of *Police Districts* set against the respective names of such *Electoral Districts* in the second column of the same Table.

Argyle	The Police District of Goulburn.
Bathurst	{ The portion of the Police District of Bathurst, included in the Town of Bathurst.
"Bogan, The"	The Police Districts of Dubbo and Molong.
"Brisbane"	{ The portion of the Police District of Brisbane included in the Town of Brisbane.
Burnett, The	{ The Police Districts of Gayndah—Maryborough—Leichhardt and Gladstone.
Camden, West	The Police Districts of Berrima—Camden and Picton.
Canterbury	{ The portion of the Metropolitan Police District south of Port Jackson and of the Parramatta Road and not included in the Hamlets.
Carcoar	The Police District of Carcoar.
Cowpasture, The ...	{ The Police Districts of Campbelltown and Narellan with the portion of the Police Districts of Camden Narellan and Picton included in the County of Cumberland.
Clarence, The	{ The Police Districts of Grafton—Tabulam and Ten-terfield.
Cudgegong, The ...	The Police District of Mudgee.
Central Cumberland	{ The portion of the Police District of Parramatta and Liverpool not included in the Towns of Parramatta and Liverpool.
Darling Downs, The	{ The Police Districts of Warwick—Drayton—Dalby and Condamine.
Glebe, The	{ The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Balmain.
Gwydir, The... ..	{ The Police Districts of Wellingrove—Warialda and Wcc Waa.
Hartley	The Police Districts of Hartley and Rylstone.
Hastings, The	{ The Police Districts of the M'Leay River—Port Mac-quarie and the Manning.
Hawkesbury, The...	{ The Police District of the M'Donald River and the portion of the Police District of Windsor not included in the Town of Windsor or of Richmond.
Hunter, The.....	{ The portion of the Police District of Maitland not included in the Town of East or West Maitland or of Morpeth.

Hunter,

Hunter, The Lower.	The Police District of Raymond Terrace.
Hunter, The Upper.	The Police Districts of Merton and Muswellbrook— Scone and Cassilis and the portion of the Police District of Murrurundi south-east of the Liverpool Range.
Illawarra	The Police District of Wollongong.
Ipswich	The portion of the Police District of Ipswich included in the Town of Ipswich.
Kiama	The Police District of Kiama.
Lachlan, The	The Police Districts of Binalong and Wagga Wagga.
Liverpool Plains ...	The Police District of Tamworth and the portion of the Police District of Murrurundi north-west of the Liverpool Range.
Maitland, East.....	The portion of the Police District of Maitland included in the Towns of East Maitland and Morpeth.
Maitland, West ...	The portion of the Police District of Maitland included in the Town of West Maitland.
Monaro.....	The Police Districts of Cooma—Bombala and Eden.
Moreton, East	The portion of the Police District of Brisbane not in- cluded in the Town of Brisbane.
Moreton, West.....	The portion of the Police District of Ipswich not in- cluded in the Town of Ipswich.
Murray, The Lower	The Police Districts of Balranald—Moulamein—Denili- quin and Moama.
Murray, The Upper	The Police District of Albury.
Murrumbidgee, The	The Police Districts of Gundagai and Tumut.
Nepean, The.....	The Police District of Penrith.
Newcastle.....	The Police District of Newcastle.
New England	The Police District of Armidale.
Newtown	The portion of the Metropolitan Police District included in the Hamlets of Newtown—O'Connell Town— Camperdown and Chippendale.
Paddington	The portion of the Metropolitan Police District in- cluded in the Hamlets of Paddington—Surry Hills and Redfern.
Parramatta	The portion of the Police District of Parramatta and Liverpool included in the Towns of Parramatta and Liverpool.
Paterson, The	The Police District of Paterson.
Patrick's Plains ...	The Police District of Patrick's Plains.
Queanbeyan, The...	The Police District of Queanbeyan.
St. Leonard's	The portion of the Metropolitan Police District north of Port Jackson and of the Parramatta Road and not included in the Glebe and Balmain Hamlets.
St. Vincent	The Police Districts of Braidwood and Broulee.
Shoalhaven	The Police District of Shoalhaven.
Sydney, North-east	The portion of the Police District of Sydney included in Bourke and Macquarie Wards.
Sydney, South-west	The portion of the Police District of Sydney included in Phillip and Denison Wards.
Sydney, South-east	The portion of the Police District of Sydney included in Cook and Fitz Roy Wards.
Sydney, North-west	The portion of the Police District of Sydney included in Gipps and Brisbane Wards.
Turon, The	The portion of the Police District of Bathurst not in- cluded in the Town of Bathurst.
Wellington	The Police Districts of Orange and Wellington.
Williams, The	The Police Districts of Dungog and Port Stephens.
Windsor	The portion of the Police District of Windsor included in the Towns of Windsor and Richmond.
Wollombi, The.....	The Police Districts of Gosford and Wollombi.
Yass Plains	The Police District of Yass.

And the boundaries of such Police Districts and portions of Police Districts shall be the now subsisting boundaries as respectively set forth and defined and published under the hand of the Colonial Secretary in the *Gazette* dated the 185 Provided that no Police District of the Colony shall hereafter be altered without the authority of Parliament,—*Read.*

Question proposed,—That the Clause be amended by inserting between the Titles of Electoral Districts, "Bogan, The" and "Brisbane," the words, (denoting an additional Electoral District) "Braidwood—the Police District of Braidwood." (*Mr. Cowper.*)

Motion made, and Question put,—That the further consideration of this Clause be postponed. (*Mr. Murray.*)

Committee divided.

Ayes, 20.

Mr. Hay,
 Mr. G. Macleay,
 Mr. Smith,
 Mr. Paterson,
 Mr. Piddington,
 Mr. Jenkins,
 Mr. Lloyd,
 Mr. Taylor,
 Mr. Lord,
 Mr. Lee,
 Mr. Cox,
 Mr. Tooth,
 Mr. Denichy,
 Mr. Macarthur,
 Mr. Murray,
 Mr. Suttor,
 Mr. Hodgson,
 Mr. Donaldson,
 Mr. Faucett,
 Mr. Wild, } Tellers.

Noes, 29.

Mr. R. Campbell,
 Mr. Robertson,
 Mr. Cowper,
 Mr. Dalley,
 Mr. Rotton,
 Mr. Jones,
 Mr. Williamson,
 Mr. Dickson,
 Mr. White,
 Mr. Parkes,
 Mr. Weekes,
 Mr. Richardson,
 Mr. Byrnes,
 Dr. Bowker,
 Mr. Thornton,
 Mr. Owen,
 Mr. Aldcorn,
 Mr. Marks,
 Mr. J. Campbell,
 Mr. Cribb,
 Mr. Egan,
 Mr. Flood,
 Mr. W. Macleay,
 Mr. Moriarty,
 Mr. Forster,
 Mr. Oakes,
 Mr. Jamison,
 Mr. Gordon,
 Mr. Scott, } Tellers.

Progress Report—to sit again.

THURSDAY, 3 JUNE, 1858.

No. 4.

SAME BILL—*Same Clause.*

Amendment proposed,—That the words in *Italic* be omitted, with a view to the insertion in their place of the words "following Electoral Districts, and the "second column of the accompanying Table shall define the Boundaries of "such Districts." (*Mr. W. Macleay.*)

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

Motion made, and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again on Tuesday next—taking precedence of all other business on the paper for that day. (*Mr. Donaldson.*)

Committee divided.

Ayes, 22.

Mr. Wild,
 Mr. Piddington,
 Mr. G. Macleay,
 Mr. Murray,
 Mr. Gordon,
 Mr. Thornton,
 Mr. Macarthur,
 Mr. Moriarty,
 Mr. Taylor,
 Mr. Jenkins,
 Mr. Hodgson,
 Mr. Lee,
 Mr. Paterson,
 Mr. Lord,
 Mr. Denichy,
 Mr. Jamison,
 Mr. Lloyd,
 Mr. Suttor,
 Mr. Donaldson,
 Mr. Smith,
 Mr. Faucett,
 Mr. W. Macleay, } Tellers.

Noes, 20.

Mr. Cowper,
 Mr. Robertson,
 Mr. Jones,
 Mr. Weekes,
 Mr. Parkes,
 Mr. Owen,
 Mr. Oakes,
 Mr. Flood,
 Mr. Marks,
 Dr. Bowker,
 Mr. Forster,
 Mr. Scott,
 Mr. Cribb,
 Mr. Dickson,
 Mr. Aldcorn,
 Mr. White,
 Mr. R. Campbell,
 Mr. J. Campbell,
 Mr. Rotton,
 Mr. Williamson, } Tellers.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 9.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 8 JUNE, 1858.

No. 1.

ELECTORAL LAW AMENDMENT BILL.

Clause 4. The Colony shall be divided into the *Electoral Districts* named in the first column of the next following Table And such Districts shall severally comprise and consist of the *Police Districts* and portions of *Police Districts* set against the respective names of such *Electoral Districts* in the second column of the same Table.

"Argyle".....	"The Police District of Goulburn."
"Bathurst".....	{ The portion of the Police District of Bathurst, included in the Town of Bathurst.
"Bogan, The".....	"The Police Districts of Dubbo and Molong."
Brisbane	{ The portion of the Police District of Brisbane included in the Town of Brisbane.
Burnett, The	{ The Police Districts of Gayudah—Maryborough—Leichhardt and Gladstone.
Camden, West	The Police Districts of Berrima—Camden and Picton.
Canterbury	{ The portion of the Metropolitan Police District south of Port Jackson and of the Parramatta Road and not included in the Hamlets.
Carcoar	The Police District of Carcoar.
Cowpasture, The ...	{ The Police Districts of Campbelltown and Narellan with the portion of the Police Districts of Camden Narellan and Picton included in the County of Cumberland.
Clarence, The	{ The Police Districts of Grafton—Tabulam and Tenterfield.
Cudgegong, The ...	The Police District of Mudgee.
Central Cumberland	{ The portion of the Police District of Parramatta and Liverpool not included in the Towns of Parramatta and Liverpool.
Darling Downs, The	{ The Police Districts of Warwick—Drayton—Dalby and Condamine.
Glebe, The	{ The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Balmain.
Gwydir, The... ..	{ The Police Districts of Wellingrove—Warialda and Wee Waa.

Hartley	The Police Districts of Hartley and Rylstone.
Hastings, The	The Police Districts of the M'Leay River—Port Macquarie and the Manning.
Hawkesbury, The...	The Police District of the M'Donald River and the portion of the Police District of Windsor not included in the Town of Windsor or of Richmond.
Hunter, The.....	The portion of the Police District of Maitland not included in the Town of East or West Maitland or of Morpeth.
Hunter, The Lower.	The Police District of Raymond Terrace.
Hunter, The Upper.	The Police Districts of Merton and Muswellbrook—Seone and Cassilis and the portion of the Police District of Murrurundi south-east of the Liverpool Range.
Illawarra	The Police District of Wollongong.
Ipswich	The portion of the Police District of Ipswich included in the Town of Ipswich.
Kiama	The Police District of Kiama.
Lachlan, The	The Police Districts of Binalong and Wagga Wagga.
Liverpool Plains ...	The Police District of Tamworth and the portion of the Police District of Murrurundi north-west of the Liverpool Range.
Maitland, East.....	The portion of the Police District of Maitland included in the Towns of East Maitland and Morpeth.
Maitland, West ...	The portion of the Police District of Maitland included in the Town of West Maitland.
Monaro.....	The Police Districts of Cooma—Bombala and Eden.
Moreton, East	The portion of the Police District of Brisbane not included in the Town of Brisbane.
Moreton, West.....	The portion of the Police District of Ipswich not included in the Town of Ipswich.
Murray, The Lower	The Police Districts of Balranald—Moulamein—Deniliquin and Moama.
Murray, The Upper	The Police District of Albury.
Murrumbidgee, The	The Police Districts of Gundagai and Tumut.
Nepean, The.....	The Police District of Parrith.
Newcastle.....	The Police District of Newcastle.
New England	The Police District of Armidale.
Newtown	The portion of the Metropolitan Police District included in the Hamlets of Newtown—O'Connell Town—Camperdown and Chippendale.
Paddington	The portion of the Metropolitan Police District included in the Hamlets of Paddington—Surry Hills and Redfern.
Parramatta	The portion of the Police District of Parramatta and Liverpool included in the Towns of Parramatta and Liverpool.
Paterson, The	The Police District of Paterson.
Patrick's Plains ...	The Police District of Patrick's Plains.
Queanbeyan, The...	The Police District of Queanbeyan.
St. Leonard's	The portion of the Metropolitan Police District north of Port Jackson and of the Parramatta Road and not included in the Glebe and Balmain Hamlets.
St. Vincent	The Police Districts of Braidwood and Broulee.
Shoalhaven	The Police District of Shoalhaven.
Sydney, North-east	The portion of the Police District of Sydney included in Bourke and Macquarie Wards.
Sydney, South-west	The portion of the Police District of Sydney included in Phillip and Denison Wards.
Sydney, South-east	The portion of the Police District of Sydney included in Cook and Fitz Roy Wards.
Sydney, North-west	The portion of the Police District of Sydney included in Gipps and Brisbane Wards.
Turon, The	The portion of the Police District of Bathurst not included in the Town of Bathurst.
Wellington	The Police Districts of Orange and Wellington.
Williams, The	The Police Districts of Dungog and Port Stephens.
Windsor	The portion of the Police District of Windsor included in the Towns of Windsor and Richmond.
Wollombi, The.....	The Police Districts of Gosford and Wollombi.
Yass Plains	The Police District of Yass.

And the boundaries of such Police Districts and portions of Police Districts shall be the now subsisting boundaries as respectively set forth and defined and published under the hand of the Colonial Secretary in the *Gazette* dated the 185 Provided that no Police District of the Colony shall hereafter be altered without the authority of Parliament,—*Read.*

Question proposed,—That the Clause be amended by the omission of the words in *Italic*, with a view to the insertion in their place of the words “following Electoral Districts, and the second column of the accompanying Table shall define the Boundaries of such Districts.” (*Mr. W. Macleay.*)

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

Committee divided.

Ayes, 24.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Jones,
Mr. Parkes,
Mr. Richardson,
Mr. Williamson,
Mr. Byrnes,
Mr. Gordon,
Mr. Weekes,
Mr. Rotton,
Mr. Thornton,
Mr. Lee,
Mr. Marks,
Mr. Forster,
Mr. Cribb,
Mr. Dickson,
Mr. Oakes,
Mr. White,
Dr. Bowker,
Mr. Alcorn,
Mr. J. Campbell,
Mr. Owen, } Tellers.
Mr. Scott, }

Noes, 20.

Mr. Hay,
Mr. Faucett,
Mr. Macarthur,
Mr. Wild,
Mr. W. Macleay,
Mr. Piddington,
Mr. Taylor,
Mr. Moriarty,
Mr. Cox,
Mr. Paterson,
Mr. Lord,
Mr. Denichy,
Mr. Tooth,
Mr. Smith,
Mr. Lloyd,
Mr. Suttor,
Mr. Jenkins,
Mr. Hodgson,
Mr. Donaldson, } Tellers.
Mr. G. Macleay, }

WEDNESDAY, 9 JUNE, 1858.

No. 2.

SAME BILL—*Same Clause.*

Question proposed,—That the Clause be amended by the omission of the words (descriptive of the Electorate of “Argyle”)—“the Police District of Goulburn,” with a view to the insertion in their place of the words “The County of Argyle, exclusive of the Electoral District of Goulburn, as hereinafter described.” (*Mr. Murray.*)

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

Committee divided.

Ayes, 23.

Mr. Cowper,
Mr. R. Campbell,
Mr. Martin,
Mr. Robertson,
Mr. Flood,
Mr. Forster,
Mr. Marks,
Mr. Oakes,
Mr. Lee,
Mr. Egan,
Mr. Buckley,
Mr. Rotton,
Mr. Byrnes,
Mr. Jones,
Mr. Scott,
Mr. Gordon,
Mr. Richardson,
Mr. White,
Mr. Cribb,
Mr. J. Campbell,
Dr. Bowker,
Mr. Dickson, } Tellers.
Mr. Williamson, }

Noes, 14.

Mr. Murray,
Mr. W. Macleay,
Mr. Jenkins,
Mr. Suttor,
Mr. Paterson,
Mr. Taylor,
Mr. Piddington,
Mr. Macarthur,
Mr. Cox,
Mr. Lloyd,
Mr. Wild,
Mr. Tooth,
Mr. Hay, } Tellers.
Mr. G. Macleay, }

No. 3.

The words “exclusive of the Electorate of Goulburn” having been added after the words “The Police District of Goulburn.” (*Mr. Jones.*)

Motion made and Question put,—That the Clause be further amended by the addition, after the words so added, of the words “and that portion of the County of Georgiana which is included in the Police District of Goulburn.” (*Mr. Murray.*)

Committee

Committee divided.

Ayes, 17.

Mr. Wild,
Mr. Smith,
Mr. Macarthur,
Mr. Tooth,
Mr. G. Macleay,
Mr. Cox,
Mr. Jenkins,
Mr. Piddington,
Mr. Moriarty,
Mr. Lloyd,
Mr. Hay,
Mr. Deniehy,
Mr. Paterson,
Mr. Suttor,
Mr. W. Macleay,
Mr. Faucett, } Tellers.
Mr. Murray, }

Noes, 26.

Mr. Cowper,
Mr. Robertson,
Mr. Rotton,
Mr. Parkes,
Mr. Jones,
Mr. Forster,
Mr. Weekes,
Mr. Dickson,
Mr. Richardson,
Mr. Egan,
Mr. Flood,
Mr. Marks,
Mr. Aldcorn,
Mr. Martin,
Mr. R. Campbell,
Mr. Williamson,
Mr. White,
Dr. Bowker,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Buckley,
Mr. Gordon,
Mr. Oakes,
Mr. Lee,
Mr. Scott, } Tellers.
Mr. Gribb, }

No. 4.

Motion made, and Question put,—That the Clause be further amended by the insertion between the Electorates of "Bathurst" and "Bogan, The" of the words, (expressive of a proposed new Electorate) "Bathurst east—The Police District of Bathurst within the County of Bathurst." (*Mr. W. Macleay.*)

Committee divided.

Ayes, 17.

Mr. Faucett,
Mr. Jenkins,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Tooth,
Mr. Suttor,
Mr. W. Macleay,
Mr. Lloyd,
Mr. Smith,
Mr. Wild,
Mr. Moriarty,
Mr. Hodgson,
Mr. Piddington,
Mr. Paterson,
Mr. Taylor,
Mr. Hay, } Tellers.
Mr. Donaldson, }

Noes, 28.

Mr. Cowper,
Mr. Robertson,
Mr. Martin,
Mr. R. Campbell,
Mr. Jones,
Mr. Weekes,
Mr. Byrnes,
Mr. Scott,
Mr. Thornton,
Mr. Lord,
Mr. Williamson,
Mr. Deniehy,
Mr. Forster,
Mr. Cox,
Mr. Lee,
Mr. Buckley,
Mr. Oakes,
Mr. Flood,
Mr. Richardson,
Dr. Bowker,
Mr. Aldcorn,
Mr. White,
Mr. Parkes,
Mr. J. Campbell,
Mr. Dickson,
Mr. Cribb,
Mr. Rotton, } Tellers.
Mr. Gordon, }

No. 5.

Another amendment having been proposed and negatived. (Mr. W. Macleay.)

Question proposed—That the Clause be further amended by the omission of the words (expressive of an Electorate) "Bogan, The—The Police Districts of "Dubbo and Molong," with a view to the insertion, lower down in their proper places in the alphabetical arrangement, of the words (expressive of two Electorates) "Dubbo—The Police District of Dubbo," and "Molong—The Police District of Molong," respectively. (*Mr. Lord.*)

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

Committee divided.

Ayes, 24.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Mr. Thornton,
Mr. Weekes,
Mr. Lee,
Dr. Bowker,
Mr. J. Campbell,
Mr. Aldcorn,
Mr. Cribb,
Mr. Flood,
Mr. White,
Mr. Oakes,
Mr. Parkes,
Mr. Piddington,
Mr. Rotton,
Mr. Buckley,
Mr. Egan,
Mr. Deniehy,
Mr. Gordon,
Mr. Jones,
Mr. Byrnes, } Tellers.
Mr. Williamson, }

Noes, 16.

Mr. Suttor,
Mr. Smith,
Mr. Macarthur,
Mr. Lloyd,
Mr. Moriarty,
Mr. Lord,
Mr. Hodgson,
Mr. Cox,
Mr. Paterson,
Mr. Taylor,
Mr. Jenkins,
Mr. Forster,
Mr. Wild,
Mr. Tooth,
Mr. Hay, } Tellers.
Mr. Donaldson, }

Progress Report—to sit again.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 10.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

THURSDAY, 17 JUNE, 1858.

No. 5.

ELECTORAL LAW AMENDMENT BILL. (as amended, down to "Brisbane," inclusive)

Clause 4. The Colony shall be divided into the Electoral Districts named in the first column of the next following Table. And such Districts shall severally comprise and consist of the Police Districts and portions of Police Districts set against the respective names of such Electoral Districts in the second column of the same Table.

Argyle	{ The Police District of Goulburn, exclusive of the Electorate of Goulburn.
Bathurst	{ The portion of the Police District of Bathurst, included in the Towns of Bathurst and Kelso.
Bogan, The	{ The Police Districts of Dubbo and Molong.
Braidwood	{ The Police District of Braidwood.
Brisbane	{ The portion of the Police District of Brisbane included in the Town of Brisbane.
"Barnett, The" ...	{ The Police Districts of "Gayndah"—"Maryborough"—"Leichhardt and Gladstone."
Camden, West	{ The Police Districts of Berrima—Camden and Picton.
"Canterbury"	{ The portion of the Metropolitan Police District south of Port Jackson and of the "Parramatta Road" and not included in the Hamlets.
Carcoar	{ The Police District of Carcoar.
"Cowpasture, The"	{ The Police Districts of Campbelltown and Narellan with the portion of the Police Districts of Camden Narellan and Picton included in the County of Cumberland.
"Clarence, The" ...	{ The Police Districts of "Grafton"—"Tabulam" and "Tenterfield."
"Cudgegong, The"	{ The Police District of "Mudgee."
Central Cumberland	{ The portion of the Police District of Parramatta and Liverpool not included in the Towns of Parramatta and Liverpool.
Darling Downs, The	{ The Police Districts of Warwick—Drayton—Dalby and Condamine.
Glebe, The	{ The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Balmain.
Gwydir, The... ..	{ The Police Districts of Wellingrove—Warialda and Wee Waa.
Hartley	{ The Police Districts of Hartley and Rylstone.
Hastings, The	{ The Police Districts of the M'Leay River—Port Macquarie and the Manning.
Hawkesbury, The...	{ The Police District of the M'Donald River and the portion of the Police District of Windsor not included in the Town of Windsor or of Richmond.

300—A

Hunter,

Hunter, The.....	{	The portion of the Police District of Maitland not included in the Town of East or West Maitland or of Morpeth.
Hunter, The Lower.		
Hunter, The Upper.	{	The Police Districts of Merton and Muswellbrook—Seone and Cassilis and the portion of the Police District of Murrurundi south-east of the Liverpool Range.
Illawarra		
Ipswich	{	The portion of the Police District of Ipswich included in the Town of Ipswich.
Kiama		
Lachlan, The	{	The Police Districts of Binalong and Wagga Wagga.
Liverpool Plains ...		
Maitland, East.....	{	The portion of the Police District of Maitland included in the Towns of East Maitland and Morpeth.
Maitland, West ...		
Monaro.....	{	The Police Districts of Cooma—Bombala and Eden.
Moreton, East		
Moreton, West.....	{	The portion of the Police District of Brisbane not included in the Town of Brisbane.
Murray, The Lower		
Murray, The Upper	{	The Police Districts of Balranald—Moulamein—Deniliquin and Moama.
Murrumbidgee, The		
Nepcan, The.....	{	The Police Districts of Gundagai and Tumut.
Newcastle.....		
New England	{	The Police District of Perith.
Newtown		
Paddington	{	The Police District of Newcastle.
Parramatta		
Paterson, The	{	The portion of the Metropolitan Police District included in the Hamlets of Newtown—O'Connell Town—Camperdown and Chippendale.
Patrick's Plains ...		
Queanbeyan, The...	{	The portion of the Metropolitan Police District included in the Hamlets of Paddington—Surry Hills and Redfern.
St. Leonard's		
St. Vincent	{	The portion of the Police District of Parramatta and Liverpool included in the Towns of Parramatta and Liverpool.
Shoalhaven		
Sydney, North-east	{	The Police District of Paterson.
Sydney, South-west		
Sydney, South-east	{	The Police District of Patrick's Plains.
Sydney, North-west		
Turon, The	{	The Police District of Queanbeyan.
Wellington		
Williams, The.....	{	The portion of the Metropolitan Police District north of Port Jackson and of the Parramatta Road and not included in the Glebe and Balmain Hamlets.
Windsor		
Wollombi, The.....	{	The Police Districts of Braidwood and Broulee.
Yass Plains		
	{	The Police District of Shoalhaven.
	{	The portion of the Police District of Sydney included in Bourke and Macquarie Wards.
	{	The portion of the Police District of Sydney included in Phillip and Denison Wards.
	{	The portion of the Police District of Sydney included in Cook and Fitz Roy Wards.
	{	The portion of the Police District of Sydney included in Gipps and Brisbane Wards.
	{	The portion of the Police District of Bathurst not included in the Town of Bathurst.
	{	The Police Districts of Orange and Wellington.
	{	The Police Districts of Dungog and Port Stephens.
	{	The portion of the Police District of Windsor included in the Towns of Windsor and Richmond.
	{	The Police Districts of Gosford and Wollombi.
	{	The Police District of Yass.

And the boundaries of such Police Districts and portions of Police Districts shall be the now subsisting boundaries as respectively set forth and defined and published under the hand of the Colonial Secretary in the *Gazette* dated the 185 Provided that no Police District of the Colony shall hereafter be altered without the authority of Parliament.

Motion made and Question put,—That the Clause be further amended in the definition of the Electorate of "Burnett, The," by the insertion of the word "and" between the words "Gayndah" and "Maryborough," (with a view to the expunction of the succeeding words "*Leichhardt and Gladstone.*") (*Mr. Hodgson.*)

Committee divided.

Ayes, 22.

- Mr. Hay,
- Mr. Buckley,
- Mr. G. Macleay,
- Mr. Smith,
- Mr. Lord,
- Mr. Macarthur,
- Mr. Faucett,
- Mr. Wild,
- Mr. Suttor,
- Mr. W. Macleay,
- Mr. Jenkins,
- Mr. Moriarty,
- Mr. Taylor,
- Mr. Forster,
- Mr. Murray,
- Mr. Lee,
- Mr. Lloyd,
- Mr. White,
- Mr. Hodgson,
- Mr. Cox,
- Mr. Tooth,
- Mr. Donaldson, } Tellers.

Noes, 25.

- Mr. R. Campbell,
- Mr. Cowper,
- Mr. Jones,
- Mr. Rotton,
- Mr. Thornton,
- Mr. Weckes,
- Mr. Jamison,
- Mr. Owen,
- Mr. Egan,
- Mr. Oakes,
- Mr. Byrnes,
- Mr. Richardson,
- Mr. Dalley,
- Mr. Martin,
- Mr. Flood,
- Mr. Purkes,
- Mr. Scott,
- Mr. Aldcorn,
- Mr. J. Campbell,
- Dr. Bowker,
- Mr. Williamson,
- Mr. Cribb,
- Mr. Marks,
- Mr. Dickson, } Tellers.
- Mr. Gordon,

No. 2.

Question proposed,—That the Clause be further amended, in the definition of the same Electorate, by the omission of the words "Leichhardt and Gladstone."
(Mr. Hodgson.)

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

Committee divided.

Ayes, 23.

- Mr. Cowper,
- Mr. Martin,
- Mr. Williamson,
- Mr. Richardson,
- Mr. Jones,
- Mr. Scott,
- Mr. R. Campbell,
- Mr. Rotton,
- Mr. Owen,
- Mr. Dickson,
- Mr. Byrnes,
- Mr. Jamison,
- Mr. White,
- Mr. Oakes,
- Mr. Dalley,
- Mr. Flood,
- Mr. Egan,
- Mr. Cribb,
- Mr. Marks,
- Mr. J. Campbell,
- Dr. Bowker,
- Mr. Gordon, } Tellers.
- Mr. Weckes,

Noes, 18.

- Mr. W. Macleay,
- Mr. G. Macleay,
- Mr. Hodgson,
- Mr. Tooth,
- Mr. Jenkins,
- Mr. Smith,
- Mr. Forster,
- Mr. Cox,
- Mr. Taylor,
- Mr. Lord,
- Mr. Lee,
- Mr. Suttor,
- Mr. Macarthur,
- Mr. Lloyd,
- Mr. Buckley,
- Mr. Faucett,
- Mr. Hay,
- Mr. Donaldson, } Tellers.

No. 3.

Question proposed, That the Clause be further amended, in the definition of the Electorate of "Canterbury," by the insertion, after the words "Parramatta Road," of the words "west of Long Cove, south of the Parramatta River, " and north of Cook's River." (Mr. Cowper.)

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again on Wednesday next, taking precedence of all other business on the paper for that day. (Mr. Smith.)

Committee divided.

Ayes, 17.

- Mr. G. Macleay,
- Mr. Suttor,
- Mr. Faucett,
- Mr. W. Macleay,
- Mr. Macarthur,
- Mr. Moriarty,
- Mr. Cox,
- Mr. Taylor,
- Mr. Lloyd,
- Mr. Murray,
- Mr. Tooth,
- Mr. Hodgson,
- Mr. Wild,
- Mr. Hay,
- Mr. Jenkins,
- Mr. Smith,
- Mr. Donaldson, } Tellers

Noes, 28.

- Mr. R. Campbell,
- Mr. Cowper,
- Mr. Martin,
- Mr. Buckley,
- Mr. Rotton,
- Mr. Jones,
- Mr. Richardson,
- Mr. Weckes,
- Mr. Lord,
- Mr. Forster,
- Mr. Jamison,
- Mr. Lee,
- Mr. Flood,
- Mr. Oakes,
- Mr. Egan,
- Mr. Scott,
- Mr. White,
- Mr. Williamson,
- Mr. Dalley,
- Mr. Aldcorn,
- Mr. Marks,
- Mr. J. Campbell,
- Mr. Cribb,
- Mr. Gordon,
- Mr. Dickson,
- Mr. Owen,
- Mr. Byrnes, } Tellers.
- Dr. Bowker,

No. 4.

No. 4.

Afterwards proposed,—That the Clause be further amended by the omission of all the words expressive of the Electorate of "Canterbury," with a view to the insertion in their place of the words (expressive of a different Electorate), "Petersham—The portion of the Metropolitan Police District included in the Parish of Petersham excepting the portion of the said Parish included in the City of Sydney." (*Mr. Smith.*)

Question put,—That all the words expressive of the Electorate of "Canterbury," proposed to be omitted, stand part of the Clause.

Committee divided.

Ayes, 25.

Mr. Cowper,
Mr. R. Campbell,
Mr. Dalley,
Mr. Martin,
Mr. Forster,
Mr. Jones,
Mr. Parkes,
Mr. Weekes,
Mr. Scott,
Mr. Owen,
Mr. Jamison,
Mr. Lee,
Mr. Rotton,
Mr. Dickson,
Mr. Byrnes,
Mr. Alcorn,
Mr. Marks,
Mr. J. Campbell,
Mr. Cribb,
Mr. Richardson,
Mr. Oakes,
Mr. White,
Mr. Williamson,
Mr. Gordon, } Tellers.
Mr. Flood, }

Noes, 19.

Mr. Hay,
Mr. W. Macleay,
Mr. Donaldson,
Mr. Taylor,
Mr. G. Macleay,
Mr. Tooth,
Mr. Hodgson,
Mr. Lloyd,
Mr. Suttor,
Mr. Lord,
Mr. Cox,
Mr. Moriarty,
Mr. Wild,
Mr. Jenkins,
Mr. Macarthur,
Mr. Faucett,
Dr. Bowker,
Mr. Murray, } Tellers.
Mr. Smith, }

No. 5.

Question put,—That the words "West of Long Cove, South of the Parramatta River, and North of Cook's River"—proposed to be inserted (*in the definition of the Electorate of "Canterbury" as printed*) be so inserted.

Committee divided.

Ayes, 23.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Byrnes,
Mr. Parkes,
Mr. Flood,
Mr. Rotton,
Mr. Weekes,
Mr. Scott,
Mr. Owen,
Mr. Buckley,
Mr. Dickson,
Mr. Lee,
Mr. Jamison,
Mr. White,
Mr. Williamson,
Mr. Oakes,
Mr. Richardson,
Mr. Cribb,
Mr. J. Campbell,
Mr. Alcorn,
Mr. Jones, } Tellers.
Mr. Dalley, }

Noes, 21.

Mr. Smith,
Mr. Forster,
Mr. Murray,
Mr. Taylor,
Mr. G. Macleay,
Mr. Hay,
Mr. Lord,
Mr. Suttor,
Mr. Lloyd,
Mr. Tooth,
Mr. Macarthur,
Mr. Hodgson,
Mr. Cox,
Mr. Moriarty,
Mr. Jenkins,
Mr. Wild,
Dr. Bowker,
Mr. Faucett,
Mr. Gordon,
Mr. W. Macleay, } Tellers.
Mr. Donaldson, }

No. 6.

The word "Narellan" having been substituted for the words "Counpasture, The," as the Title of an Electorate. (Mr. Macarthur.) And the words "Districts" altered respectively to "District," and the words "and Narellan" expunged, in the Description of that Electorate. (Mr. Cowper.)

Motion made and Question put,—That the Clause be further amended, in the definition of the Electorate of "Clarence, The," by the insertion of the word "and" between the words "Grafton" and "Tabulam"—(with a view to the expunction of the succeeding words "and Tenterfield.") (*Mr. Taylor.*)

Committee

Committee divided.

Ayes, 23.

Mr. Williamson,
Mr. Lloyd,
Mr. Macarthur,
Mr. Smith,
Mr. Taylor,
Mr. Tooth,
Mr. Cox,
Mr. Moriarty,
Mr. Buckley,
Mr. Lord,
Mr. Lee,
Mr. Hodgson,
Mr. Wild,
Mr. Jenkins,
Mr. Forster,
Mr. White,
Mr. G. Macleay,
Mr. Suttor,
Mr. W. Macleay,
Mr. Donaldson,
Mr. Faucett,
Mr. Murray, } Tellers.
Mr. Hay, }

Noes, 19.

Mr. R. Campbell,
Mr. Cowper,
Mr. Martin,
Mr. Dalley,
Mr. Rotton,
Mr. Owen,
Mr. Weekes,
Mr. Oakes,
Mr. Parkes,
Mr. Richardson,
Mr. Jamison,
Mr. Dickson,
Mr. Flood,
Mr. Aldcorn,
Mr. Cribb,
Mr. Byrnes,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Jones, }

The words "and Tenterfield" expunged.

No. 7.

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

Committee divided.

Ayes, 21.

Mr. W. Macleay,
Mr. Smith,
Mr. Forster,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Cox,
Mr. Faucett,
Mr. Moriarty,
Mr. Taylor,
Mr. Lord,
Mr. Lloyd,
Mr. Lee,
Mr. Hodgson,
Mr. Wild,
Mr. Jenkins,
Mr. White,
Mr. Tooth,
Mr. Suttor,
Mr. Donaldson,
Mr. Murray, } Tellers.
Mr. Hay, }

Noes, 22.

Mr. R. Campbell,
Mr. Cowper,
Mr. Martin,
Mr. Parkes,
Mr. Owen,
Mr. Dalley,
Mr. Jones,
Mr. Weekes,
Mr. Buckley,
Mr. Richardson,
Mr. Flood,
Mr. Oakes,
Mr. Jamison,
Mr. Marks,
Mr. Dickson,
Mr. Aldcorn,
Mr. Gordon,
Mr. J. Campbell,
Mr. Cribb,
Mr. Byrnes,
Mr. Rotton, } Tellers.
Mr. Williamson, }

No. 8.

Motion made and Question put,—That the Clause be further amended in the definition of the Electorate of "Cudgegong, Tho," by the addition of the words "and Rylstone" after the word "Mudgee" (*Mr. Cox.*)

Committee divided.

Ayes, 16.

Mr. Macarthur,
Mr. Forster,
Mr. Taylor,
Mr. Lloyd,
Mr. Hay,
Mr. G. Macleay,
Mr. Faucett,
Mr. Wild,
Mr. Murray,
Mr. Moriarty,
Mr. Hodgson,
Mr. W. Macleay,
Mr. Jenkins,
Mr. Donaldson,
Mr. Smith, } Tellers.
Mr. Cox, }

Noes, 24.

Mr. R. Campbell,
Mr. Cowper,
Mr. Martin,
Mr. Williamson,
Mr. Parkes,
Mr. Jones,
Mr. Suttor,
Mr. Weekes,
Mr. White,
Mr. Owen,
Mr. J. Campbell,
Mr. Gordon,
Mr. Cribb,
Mr. Aldcorn,
Mr. Byrnes,
Mr. Dickson,
Mr. Marks,
Mr. Jamison,
Mr. Buckley,
Mr. Rotton,
Mr. Lee,
Mr. Oakes,
Mr. Dalley, } Tellers.
Mr. Flood, }

Progress report—to sit again.

FRIDAY, 18 JUNE, 1858.

No. 9.

IMPOUNDING BILL.

Clause 34. *It shall not be lawful for any "owner" or occupier of any land through which any public road or thoroughfare may pass such land not being enclosed to impound the cattle or sheep travelling along or through any such road provided that such cattle or sheep shall not be at a greater distance from the centre of such road or thoroughfare than one quarter of a mile and shall be moved at least five miles in one direction on or along such public road or thoroughfare within every successive period of twenty-four hours,—Read*

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

Amendment proposed,—That the word "Owner" be omitted, with a view to the insertion in its place of the word "Lessee." (*Mr. Robertson.*)

Afterwards proposed,—That all the words in *Italic* be omitted, with a view to the insertion in their place of the words "nothing herein contained shall extend "to any cattle or sheep travelling along any public road passing through "unenclosed land." (*Mr. Forster.*)

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

Committee divided.

Ayes, 20.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Jones,
Mr. Cribb,
Mr. White,
Mr. Williamson,
Mr. Thornton,
Mr. Rotton,
Mr. Murray,
Mr. Oakes,
Mr. Weekes,
Mr. Smith,
Mr. Parkes,
Mr. Gordon,
Mr. Byrnes,
Mr. J. Campbell,
Mr. Jenkins,
Mr. Marks, } Tellers.
Mr. Faucett, }

Noes, 11.

Mr. Tooth,
Mr. Forster,
Mr. Suttor,
Dr. Bowker,
Mr. Wild,
Mr. Cox,
Mr. Paterson,
Mr. Lee,
Mr. Hodgson,
Mr. Moriarty, } Tellers.
Mr. Jamison, }

No. 10.

CHINESE IMMIGRATION BILL.

Clause 4 (*as formally amended.*) On arrival in any port of New South Wales of any ship having any Chinese on board before any of such Chinese are permitted to land and before making any entry the master shall pay to the Collector or other proper Officer of Customs a rate of "three" pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect whatever until such payment shall have been made and if any master shall neglect to pay such rate as aforesaid or shall land or permit any such Chinese to land at any place in New South Wales before such payment shall have been made and with the intent of evading the payment of any such rate such master shall on conviction be liable to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such rate and in every such case in addition to the pecuniary fine hereby imposed upon the master the ship shall be forfeited and may be seized condemned and disposed of in the same manner as ships forfeited for a breach of any law relating to the Customs of this Colony,—*Read.*

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

Amendment proposed,—That the word "three" be omitted, with a view to the insertion in its place of the word "ten." (*Mr. Jamison.*)

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

Committee divided.

Ayes, 14.

Dr. Bowker,
Mr. Piddington,
Mr. Suttor,
Mr. Wild,
Mr. Lee,
Mr. Hodgson,
Mr. Tooth,
Mr. Murray,
Mr. Moriarty,
Mr. Paterson,
Mr. Buckley,
Mr. Cox,
Mr. Jenkins, } Tellers.
Mr. Donaldson, }

Noes, 22.

Mr. Cowper,
Mr. Martin,
Mr. Gordon,
Mr. Thornton,
Mr. Forster,
Mr. Robertson,
Mr. Williamson,
Mr. Hay,
Mr. Macarthur,
Mr. Rotton,
Mr. Oakes,
Mr. Byrnes,
Mr. Weekes,
Mr. Marks,
Mr. White,
Mr. Jones,
Mr. Flood,
Mr. Smith,
Mr. J. Campbell,
Mr. R. Campbell,
Mr. Jamison, } Tellers.
Mr. Owen, }

No. 11.

No. 11.

And the Committee having continued to sit till after midnight ;—

SATURDAY, 19 JUNE, 1858, A.M.

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

Committee divided.

Ayes, 10.

- Mr. Cowper,
- Mr. Robertson,
- Mr. Martin,
- Mr. R. Campbell,
- Mr. Buckley,
- Mr. Marks,
- Mr. White,
- Mr. J. Campbell,
- Mr. Rotton, } Tellers.
- Mr. Owen, }

Noes, 26.

- Mr. Jamison,
- Mr. Donaldson,
- Mr. Williamson,
- Mr. Piddington,
- Mr. Macarthur,
- Mr. Forster,
- Mr. Cox,
- Mr. Lee,
- Mr. Thornton,
- Mr. Oakes,
- Mr. Moriarty,
- Mr. Weekes,
- Mr. Paterson,
- Mr. Flood,
- Mr. Byrnes,
- Mr. Murray,
- Mr. Tooth,
- Mr. Parkes,
- Mr. Cribb,
- Mr. Smith,
- Mr. Suttor,
- Dr. Bowker,
- Mr. Gordon,
- Mr. Jones,
- Mr. Hay, } Tellers.
- Mr. Hodgson, }

No. 12.

Motion made and Question put,—That the word “ five” be inserted in the place of the word omitted. (Mr. Cribb.)

Ayes, 14.

- Mr. Cowper,
- Mr. Robertson,
- Mr. Martin,
- Mr. R. Campbell,
- Mr. Buckley,
- Mr. Cribb,
- Mr. White,
- Mr. Murray,
- Mr. Hay,
- Mr. Piddington,
- Mr. J. Campbell,
- Mr. Rotton,
- Mr. Marks, } Tellers.
- Mr. Owen, }

Noes, 23.

- Mr. Donaldson,
- Mr. Hodgson,
- Mr. Williamson,
- Mr. Macarthur,
- Mr. Forster,
- Mr. Cox,
- Mr. Wild,
- Mr. Thornton,
- Mr. Moriarty,
- Mr. Weekes,
- Mr. Paterson,
- Mr. Lee,
- Mr. Flood,
- Mr. Oakes,
- Mr. Byrnes,
- Mr. Parkes,
- Mr. Tooth,
- Mr. Jones,
- Mr. Smith,
- Mr. Suttor,
- Dr. Bowker,
- Mr. Gordon, } Tellers.
- Mr. Jamison, }

No. 13.

A Motion to report progress and ask leave to sit again this day six months. (Mr. Rotton)—having been negatived.

Motion made and Question put,—That the word “ six” be inserted in the place of the word omitted. (Mr. Cribb.)

Committee divided.

Ayes, 11.

- Mr. Cowper,
- Mr. Robertson,
- Mr. Martin,
- Mr. White,
- Mr. Marks,
- Mr. Owen,
- Mr. Murray,
- Mr. Hay,
- Mr. Piddington,
- Mr. Cribb, } Tellers.
- Mr. Buckley, }

Noes, 24.

- Mr. Hodgson,
- Mr. Williamson,
- Mr. Donaldson,
- Mr. Macarthur,
- Mr. Forster,
- Mr. Cox,
- Mr. Wild,
- Mr. Thornton,
- Mr. Moriarty,
- Mr. Weekes,
- Mr. Paterson,
- Mr. Flood,
- Mr. Lee,
- Mr. Byrnes,
- Mr. Oakes,
- Mr. Rotton,
- Mr. Parkes,
- Mr. Tooth,
- Mr. Jones,
- Mr. Smith,
- Mr. Suttor,
- Dr. Bowker,
- Mr. Gordon, } Tellers.
- Mr. Jamison, }

No. 14.

No. 14.

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

Ayes, 20.

Mr. Cowper,
Mr. Robertson,
Mr. Martin,
Mr. Byrnes,
Mr. Marks,
Mr. Parkes,
Mr. Paterson,
Mr. Weekes,
Mr. Oakes,
Mr. Flood,
Mr. Lee,
Mr. Tooth,
Mr. Macarthur,
Mr. Murray,
Mr. Smith,
Mr. Jones,
Mr. Wild,
Mr. Jamison,
Mr. Gordon, } Tellers.
Mr. Thornton, }

Nocs, 15.

Mr. Hodgson,
Mr. Williamson,
Mr. Donaldson,
Mr. Forster,
Mr. Cox,
Mr. Buckley,
Mr. Moriarty,
Mr. Owen,
Mr. White,
Mr. Cribb,
Mr. Rotton,
Mr. Suttor,
Dr. Bowker,
Mr. Hay, } Tellers.
Mr. Piddington, }

A Motion to report progress, and ask leave to sit again this day six months. (Mr. Rotton.)—having been negatived;—

The Chairman left the Chair to report progress, and ask leave to sit again on Tuesday next. (Mr. Cowper.)

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 11.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 22 JUNE, 1858.

No. 1.

SCAB IN SHEEP BILL (*as framed and agreed to in Select Committee.*)

Clause 3 (*as amended*). Upon application made by any owner whose sheep shall have been destroyed under the last section at any time within one month thereafter any two Justices in Petty Sessions shall either at once or on some future appointed day not later than fourteen days after such application make inquiry in open Court touching the infection and destruction of such sheep and the compliance of the applicant with all the provisions of this Act. And if satisfied that the required notices have been given and that any such infected sheep have been destroyed pursuant to the last section and that all provisions of this Act have been complied with they shall thereupon but not otherwise sign and deliver to the applicant a certificate in the form of the Schedule hereto marked A and on the presentation or transmission of such certificate to the Colonial Treasurer there shall be paid by him to the owner or his order under warrant of the Governor in Council out of the funds hereinafter mentioned a sum at the rate of four shillings for every sheep so destroyed. Provided that no such certificate shall be given for sheep under the age of six months "nor" for any sheep which shall have been boiled down or the wool or skins thereof made use of as aforesaid,—*Read.*

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

Amendment proposed,—That the Clause be further amended by the omission of the word "nor," in the last line but one, with a view to the addition, at the end of the Clause, of the words "the rate of compensation shall be only two shillings." (*Mr Forster.*)

Question put,—That the word "nor," proposed to be omitted, stand part of the Clause.

Committee divided.

Ayes, 19.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. Williamson,
Mr. G. Macleay,
Mr. Wild,
Mr. Rotton,
Mr. Buckley,
Mr. Weekes,
Mr. Paterson,
Mr. Taylor,
Mr. Thornton,
Mr. Tooth,
Mr. Hodgson,
Mr. Aldcorn,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Jones,
Mr. Donaldson, } Tellers.

Noes, 12.

Mr. Lord,
Mr. Jamison,
Mr. Lee,
Mr. R. Campbell,
Mr. Murray,
Mr. Richardson,
Mr. Marks,
Mr. Hay,
Mr. Suttor,
Mr. Dickson,
Mr. Jenkins, } Tellers.
Mr. Forster, }

Clause, as read,—*Carried.*

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No. 2.

No. 2.

Clause 8. The owner of any infected sheep destroyed by virtue of any such warrant besides being liable to the penalties hereinbefore imposed for not destroying infected sheep shall be deprived of all right or claim to receive any compensation whatever for such sheep. And no compensation shall be paid in respect of any sheep destroyed other than such as shall have been destroyed in the manner required by the second section and the destruction of which shall be duly certified as hereinbefore provided,—*Read.*

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

Committee divided.

Ayes, 13.	Noes, 17.
Mr. Martin,	Mr. Byrnes,
Mr. Cowper,	Mr. J. Campbell,
Mr. Donaldson,	Mr. Forster,
Mr. Wild,	Mr. Dickson,
Mr. Robertson,	Mr. Paterson,
Mr. G. Macleay,	Mr. Richardson,
Mr. Hodgson,	Mr. Aldcorn,
Mr. Buckley,	Mr. Marks,
Mr. W. B. Tooth,	Mr. Murray,
Mr. Taylor,	Mr. R. Campbell,
Mr. Weekes,	Mr. Suttor,
Mr. Jones,	Mr. Lee,
Mr. Williamson, } Tellers.	Mr. Jamison,
	Mr. Hay,
	Mr. Rotton,
	Mr. Lord,
	Mr. Jenkins, } Tellers.

No. 3.

Clause 17. Every shepherd or other person in charge of travelling sheep beyond the boundaries of location shall give oral or written notice of the approach of such sheep to the owner of every run beyond such boundaries of location through which it may be intended that they shall pass at least twelve hours before such sheep are expected to arrive at the boundary of such run unless there shall be a fenced line of road through or alongside such run. And in default of giving such notice every such person so in charge shall for every such offence be liable to a penalty not exceeding five pounds,—*Read.*

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

Committee divided.

Ayes, 11.	Noes, 13.
Mr. Cowper,	Mr. Suttor,
Mr. W. Macleay,	Mr. Rotton,
Mr. Buckley,	Mr. Gordon,
Mr. Jenkins,	Mr. R. Campbell,
Mr. Paterson,	Mr. Oakes,
Mr. Lloyd,	Mr. Lee,
Mr. Taylor,	Mr. Jamison,
Mr. Hodgson,	Mr. Parkes,
Mr. Wild,	Mr. Murray,
Mr. Donaldson, } Tellers.	Mr. J. Campbell,
Mr. G. Macleay, } Tellers.	Mr. Hay,
	Mr. W. B. Tooth, } Tellers.
	Mr. Byrnes,

WEDNESDAY, 23 JUNE, 1858.

No. 4.

ELECTORAL LAW AMENDMENT BILL, (as amended, down to "Cudgegong, The," inclusive.)

Clause 4. The Colony shall be divided into the Electoral Districts named in the first column of the next following Table. And such Districts shall severally comprise and consist of the Police Districts and portions of Police Districts set against the respective names of such Electoral Districts in the second column of the same Table.

Argyle	{ The Police District of Goulburn, exclusive of the Electorate of Goulburn.
Bathurst	{ The portion of the Police District of Bathurst, included in the Towns of Bathurst and Kelso.
Bogan, The	{ The Police Districts of Dubbo and Molong.
Braidwood	{ The Police District of Braidwood.
Brisbane	{ The portion of the Police District of Brisbane included in the Town of Brisbane.
Burnett, The	{ The Police Districts of Gayndah—Maryborough—Leichhardt and Gladstone.
Camden, West	{ The Police District of Berrima with that portion of the Police District of Camden Narellan and Pieton not included in the County of Cumberland.

Canterbury

Canterbury	{	The portion of the Metropolitan Police District south of Port Jackson and of the Parramatta Road west of Long Cove south of the Parramatta River and north of Cook's River and not included in the Hamlets.
Carcoar	{	The Police District of Carcoar.
Narellan	{	The Police District of Campbelltown with the portion of the Police District of Camden Narellan and Picton included in the County of Cumberland.
Clarence, The	{	The Police Districts of Grafton and Tabulam.
Cudgegong, The ...	{	The Police District of Mudgee.
Central Cumberland	{	The portion of the Police District of Parramatta and Liverpool not included in the Towns of Parramatta and Liverpool.
Darling Downs, The	{	The Police Districts of Warwick—Drayton—Dalby and Condamine.
Glebe, The	{	The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Balmain.
Gwydir, The... .. .	{	The Police Districts of Wellingrove—Warialda and Wee Waa.
Hartley	{	The Police Districts of Hartley and Rylstone.
Hastings, The	{	The Police Districts of the M'Leay River—Port Macquarie and the Manning.
"Hawkesbury, The"	{	The Police District of the M'Donald River and the portion of the Police District of Windsor not included in the Town of Windsor or of Richmond.
"Hunter, The" ...	{	The portion of the Police District of Maitland not included in the Town of East or West Maitland or of Morpeth.
Hunter, The Lower.	{	The Police District of Raymond Terrace.
Hunter, The Upper.	{	The Police Districts of Merton and Muswellbrook—Scone and Cassilis and the portion of the Police District of Murrurundi south-east of the Liverpool Range.
Illawarra	{	The Police District of Wollongong.
Ipswich	{	The portion of the Police District of Ipswich included in the Town of Ipswich.
Kiama	{	The Police District of Kiama.
"Lachlan, The" ...	{	The Police Districts of Binalong and Wagga Wagga.
Liverpool Plains ...	{	The Police District of Tamworth and the portion of the Police District of Murrurundi north-west of the Liverpool Range.
Maitland, East.....	{	The portion of the Police District of Maitland included in the Towns of East Maitland and Morpeth.
Maitland, West ...	{	The portion of the Police District of Maitland included in the Town of West Maitland.
Monaro.....	{	The Police Districts of Cooma—Bombala and Eden.
Moreton, East	{	The portion of the Police District of Brisbane not included in the Town of Brisbane.
Moreton, West.....	{	The portion of the Police District of Ipswich not included in the Town of Ipswich.
Murray, The Lower	{	The Police Districts of Balranald—Moulamein—Deniliquin and Moama.
Murray, The Upper	{	The Police District of Albury.
Murrumbidgee, The	{	The Police Districts of Gundagai and Tumut.
Nepean, The.....	{	The Police District of Penrith.
Newcastle.....	{	The Police District of Newcastle.
New England	{	The Police District of Armidale.
Newtown	{	The portion of the Metropolitan Police District included in the Hamlets of Newtown—O'Connell Town—Camperdown and Chippendale.
Paddington	{	The portion of the Metropolitan Police District included in the Hamlets of Paddington—Surry Hills and Redfern.
Parramatta	{	The portion of the Police District of Parramatta and Liverpool included in the Towns of Parramatta and Liverpool.
Paterson, The	{	The Police District of Paterson.
Patrick's Plains ...	{	The Police District of Patrick's Plains.
Queanbeyan, The...	{	The Police District of Queanbeyan.
St. Leonard's	{	The portion of the Metropolitan Police District north of Port Jackson and of the Parramatta Road and not included in the Glebe and Balmain Hamlets.
St. Vincent	{	The Police Districts of Braidwood and Broulee.
Shoalhaven	{	The Police District of Shoalhaven.
Sydney, North-east	{	The portion of the Police District of Sydney included in Bourke and Macquarie Wards.

Sydney, South-west	{	The portion of the Police District of Sydney included in Phillip and Denison Wards.
Sydney, South-east		
Sydney, North-west	{	The portion of the Police District of Sydney included in Gipps and Brisbane Wards.
Turon, The		
Wellington	{	The Police District of Bathurst not included in the Town of Bathurst.
Williams, The		
Windsor	{	The Police Districts of Orange and Wellington.
Wollombi, The.....		
Yass Plains	{	The Police Districts of Dungog and Port Stephens.
	{	The portion of the Police District of Windsor included in the Towns of Windsor and Richmond.
	{	The Police Districts of Gosford and Wollombi.
	{	The Police District of Yass.

And the boundaries of such Police Districts and portions of Police Districts shall be the now subsisting boundaries as respectively set forth and defined; and published under the hand of the Colonial Secretary in the *Gazette* dated the 185 Provided that no Police District of the Colony shall hereafter be altered without the authority of Parliament.

The Clause having been further amended, as follows. (Mr. Cowper):—

Central Cumberland ...	{	The portion of the Police District of Parramatta and Liverpool not included in the Town of Parramatta or in the Parish of Hunter's Hill.
Eden		
Goulburn.....	{	The Police Districts of Broulee and Eden.
Gwydir, The		
	{	The portion of the Police District of Goulburn included in the Town of Goulburn.
	{	The Police Districts of Warialda and Wee Wee.

Motion made and Question put,—That the Clause be further amended by the insertion between the Electorates of "Hastings, The" and "Hawkesbury," of the following words (expressive of a proposed new Electorate):—

The Electoral District of the North Riding of the County of Northumberland, and the County of Hunter.

Commencing at the confluence of Wollombi Brook with the River Hunter, and bounded thence on the north by the River Hunter downwards; on the east by that river to the north boundary of the parish of Hexham, thence by the north and west boundaries of that parish, bearing west and south to the south boundary of the parish of Stockrington, thence by the south boundary of that parish bearing west to the Sugar Loaf Range, and by the Sugar Loaf Range to the Broken Back Range; on the south by the Broken Back Range to the Wollombi Brook near M. T. Somerville's 640 acres, thence across Wollombi Brook to the range dividing Werong and Drew's Creek, and by that range to the range dividing the waters of Wollombi Brook from those of the Macdonald River, by that range to where the Bulga Road crosses it, thence on the west by the county boundary, a branch of Parson's Creek, and by Parson's Creek to the Wollombi Brook, and thence by the Wollombi Brook to its confluence with the River Hunter aforesaid.

HUNTER:—Bounded on the north by the River Hunter and the Goulburn to the junction of Widdin Creek; on the west by Widdin Creek to the Mountain of Corieudgye by the range thence to the Durambang Hill, and by Umbiella Creek to the River Colo; on the south by that river to the Hawkesbury; on the east by the Hawkesbury to the mouth of the Macdonald River or Lower Branch; by the Macdonald to the junction of Wareng Creek, and by Wareng Creek, Parson's Creek, and the Wollombi Brook to its junction with the Hunter. (*Mr. Piddington.*)

Committee divided.

Ayes, 16.

Mr. Hay,
Mr. Smith,
Mr. W. Macleay,
Mr. Paterson,
Mr. G. Macleay,
Mr. Lloyd,
Mr. Cox,
Mr. Hodgson,
Mr. Jenkins,
Mr. Taylor,
Mr. Murray,
Mr. Macarthur,
Mr. R. Tooth,
Mr. Wild,
Mr. Piddington, } Tellers.
Mr. Donaldson, }

Noes, 25.

Mr. Martin,
Mr. Cowper,
Mr. Robertson,
Mr. Suttor,
Mr. R. Campbell,
Mr. Aldcorn,
Mr. Parkes,
Mr. Cribb,
Mr. Owen,
Mr. Weckes,
Mr. Rotton,
Mr. Flood,
Mr. Leo,
Mr. Marks,
Mr. Richardson,
Mr. Forster,
Mr. Oakes,
Mr. Williamson,
Mr. Egan,
Mr. Dickson,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Scott,
Mr. Gordon, } Tellers.
Mr. Dalley, }

No. 5.

Question proposed,—That the Clause be further amended, by the omission of all the words descriptive of the Electorate of "Hunter, The," with a view to the insertion in their place of the following words:—"The portion of the "Maitland Police District bounded on the east by the Paterson River, by the "road from Lang's Mill to the Maitland and Paterson Road, by that road "to the north boundary of the Bulwarra Estate, and by that boundary "easterly to the River Hunter, by the River Hunter upward to the west "boundary of E. C. Close's Morpeth grant, and by that boundary and the "boundary of the Maitland Reserve to the road from Maitland to Raymond "Terrace; and on the north by the road from Maitland to Raymond Terrace: "and not included in the Towns of East and West Maitland, or in the "Electoral District of Morpeth." (*Mr. Cowper.*)

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

Committee divided.

Ayes, 17.

Mr. Hay,
Mr. Wild,
Mr. Paterson,
Mr. Smith,
Mr. Jenkins,
Mr. G. Macleay,
Mr. Hodgson,
Mr. W. B. Tooth,
Mr. Moriarty,
Mr. Taylor,
Mr. Faucett,
Mr. Suttor,
Mr. R. Tooth,
Mr. Macarthur,
Mr. Murray,
Mr. W. Macleay, } Tellers.
Mr. Donaldson, }

Noes, 22.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Mr. Cribb,
Mr. Gordon,
Mr. Weekes,
Mr. Egan,
Mr. Rotton,
Mr. Piddington,
Mr. Byrnes,
Mr. Oakes,
Mr. Lee,
Mr. Flood,
Mr. Owen,
Mr. Williamson,
Mr. Aldcorn,
Mr. J. Campbell,
Mr. Parkes,
Mr. Dickson,
Mr. Scott, } Tellers.
Mr. Dalley, }

No. 6.

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

Committee divided.

Ayes, 21.

Mr. Martin,
Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Egan,
Mr. Byrnes,
Mr. Parkes,
Mr. Aldcorn,
Mr. Flood,
Mr. Lee,
Mr. Owen,
Mr. Rotton,
Mr. Williamson,
Mr. Oakes,
Mr. Cribb,
Mr. Dickson,
Mr. Scott,
Mr. Dalley,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Weekes, }

Noes, 18.

Mr. W. Macleay,
Mr. G. Macleay,
Mr. Donaldson,
Mr. Smith,
Mr. Macarthur,
Mr. W. B. Tooth,
Mr. Faucett,
Mr. Hodgson,
Mr. Moriarty,
Mr. Taylor,
Mr. Suttor,
Mr. R. Tooth,
Mr. Murray,
Mr. Wild,
Mr. Paterson,
Mr. Jenkins,
Mr. Hay, } Tellers.
Mr. Piddington, }

No. 7.

Question proposed,—That the Clause be further amended in the definition of the Electorate of "Lachlan, The," by the conversion of the word "Districts" into "District," and the omission of the words "and Wagga Wagga." (*Mr. Cowper.*)

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

Committee divided.

Ayes, 16.

Mr. Donaldson,
Mr. Hodgson,
Mr. Hay,
Mr. Macarthur,
Mr. W. B. Tooth,
Mr. W. Macleay,
Mr. Piddington,
Mr. G. Macleay,
Mr. Murray,
Mr. R. Tooth,
Mr. Wild,
Mr. Jenkins,
Mr. Moriarty,
Mr. Taylor,
Mr. Paterson, } Tellers.
Mr. Smith, }

Noes, 23.

Mr. R. Campbell,
Mr. Cowper,
Mr. Robertson,
Mr. Egan,
Mr. Parkes,
Mr. Rotton,
Mr. Owen,
Mr. Suttor,
Mr. Marks,
Mr. Lee,
Mr. Buckley,
Mr. Flood,
Mr. Oakes,
Mr. Martin,
Mr. Aldcorn,
Mr. Byrnes,
Mr. J. Campbell,
Mr. Dickson,
Mr. Williamson,
Mr. Cribb,
Mr. Gordon,
Mr. Weekes, } Tellers.
Mr. Scott, }

No. 8.

Original Question stated.

Motion made and Question put,—That the Clause be further Amended in an earlier part of the definition of the same Electorate, by inserting, before the words "the Police Districts," the words "the portions of" (with a view to the addition, after the words "Wagga Wagga," of the words "contained in the " Pastoral District of the Lachlan.) (Mr. W. Macleay.)

Committee divided.

Ayes, 14.

Mr. Hay,
Mr. Paterson,
Mr. W. Macleay,
Mr. G. Macleay,
Mr. Piddington,
Mr. Taylor,
Mr. Moriarty,
Mr. Murray,
Mr. W. B. Tooth,
Mr. Macarthur,
Mr. Suttor,
Mr. Hodgson,
Mr. Smith, } Tellers.
Mr. Donaldson, }

Noes, 17.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Rotton,
Mr. Weekes,
Mr. Buckley,
Mr. Marks,
Mr. Egan,
Mr. Cribb,
Mr. Williamson,
Mr. Flood,
Mr. Oakes,
Mr. Byrnes,
Mr. J. Campbell,
Mr. Robertson,
Mr. Parkes, } Tellers.
Mr. Dickson, }

Progress Report—To sit again.

THURSDAY, 24 JUNE, 1858.

No. 9.

CHINESE IMMIGRATION BILL.

Clause 4, (as amended). On arrival in any port of New South Wales of any ship having any Chinese on board before any of such Chinese are permitted to land and before making any entry the master shall pay to the Collector or other proper Officer of Customs a rate of ten pounds for every such Chinese and no entry shall be deemed to have been legally made or to have any legal effect whatever until such payment shall have been made and if any master shall neglect to pay such rate as aforesaid or shall land or permit any such Chinese to land at any place in New South Wales before such payment shall have been made and with the intent of evading the payment of any such rate such master shall on conviction be liable to a penalty not exceeding twenty pounds for each Chinese so landed or permitted to land in addition to the amount of such rate and in every such case in addition to the pecuniary fine hereby imposed upon the master the ship shall be forfeited and may be seized condemned and disposed of in the same manner as ships forfeited for a breach of any law relating to the Customs of this Colony,—*Read.*

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

Motion made and Question put,—That the Clause be further amended by the addition of the following proviso:—"Provided that no master shall be required to pay "such rate as aforesaid on account of any British subject." (Mr. Forster.)

Committee

Committee divided.

Ayes, 11.

Mr. Williamson,
 Mr. W. B. Tooth,
 Mr. G. Macleay,
 Mr. Rotton,
 Mr. Moriarty,
 Mr. Taylor,
 Mr. Donaldson,
 Mr. Dickson,
 Mr. W. Macleay,
 Mr. Hay, } Tellers.
 Mr. Forster, }

Noes, 28.

Mr. R. Campbell,
 Mr. Cowper,
 Mr. Martin,
 Mr. Thornton,
 Mr. Aldcorn,
 Mr. Lloyd,
 Mr. Macarthur,
 Mr. Wild,
 Mr. Lord,
 Mr. Weckes,
 Mr. Owen,
 Mr. Denichy,
 Mr. Piddington,
 Mr. Egan,
 Mr. Gordon,
 Mr. Lee,
 Mr. Oakes,
 Mr. Flood,
 Mr. Marks,
 Mr. Dalley,
 Mr. Parkes,
 Mr. R. Tooth,
 Mr. Jones,
 Mr. Jamison,
 Mr. Smith,
 Mr. J. Campbell,
 Mr. Scott, } Tellers.
 Mr. Cribb, }

No. 10. Original Question put.

Committee divided.

Ayes, 25.

Mr. Cowper,
 Mr. Martin,
 Mr. R. Campbell,
 Mr. Dalley,
 Mr. Parkes,
 Mr. Jones,
 Mr. Marks,
 Mr. Smith,
 Mr. Weckes,
 Mr. Thornton,
 Mr. Tooth,
 Mr. Oakes,
 Mr. Lee,
 Mr. Gordon,
 Mr. Scott,
 Mr. J. Campbell,
 Mr. Cribb,
 Mr. Aldcorn,
 Mr. Flood,
 Mr. Macarthur,
 Mr. Lloyd,
 Mr. Lord,
 Mr. Wild,
 Mr. Denichy, } Tellers.
 Mr. Jamison, }

Noes, 16.

Mr. Donaldson,
 Mr. Rotton,
 Mr. G. Macleay,
 Mr. Williamson,
 Mr. W. B. Tooth,
 Mr. Dickson,
 Mr. Jenkins,
 Mr. Moriarty,
 Mr. W. Macleay,
 Mr. Hodgson,
 Mr. Owen,
 Mr. Piddington,
 Mr. Taylor,
 Mr. Egan,
 Mr. Hay, } Tellers.
 Mr. Forster, }

No. 11.

Motion made, and Question put,—That the following new Clause stand part of the Bill, to follow Clause 4, as carried:—

“ 5. The Colonial Treasurer shall keep a separate Account of all moneys levied under this Act, and all such moneys shall be applied to the purposes of this Act ” (Mr. Hay)

Committee divided.

Ayes, 17.

Mr. Piddington,
 Mr. Owen,
 Mr. Williamson,
 Mr. Smith,
 Mr. Moriarty,
 Mr. W. B. Tooth,
 Mr. Jenkins,
 Mr. Forster,
 Mr. Lee,
 Mr. Wild,
 Mr. Macarthur,
 Mr. Jamison,
 Mr. R. Tooth,
 Mr. W. Macleay,
 Mr. Hodgson,
 Mr. Hay, } Tellers.
 Mr. G. Macleay, }

Noes, 16.

Mr. Cowper,
 Mr. R. Campbell,
 Mr. Robertson,
 Mr. Martin,
 Mr. Aldcorn,
 Mr. Rotton,
 Mr. Jones,
 Mr. Oakes,
 Mr. Weckes,
 Mr. Scott,
 Mr. Flood,
 Mr. Parkes,
 Mr. Cribb,
 Mr. J. Campbell,
 Mr. Gordon, } Tellers.
 Mr. Buckley, }

No. 12.

Clause 8. This Act shall come into operation "immediately on the passing thereof,"—*Read.*

Question proposed,—That the Clause be amended by the omission of the words "immediately after the passing thereof," with a view to the insertion in their place of the words "on and after the first day of November next." (*Mr. Cowper.*)

Afterwards proposed,—That in the place of the words so proposed to be omitted, there be inserted the words "on the first day of November next, but shall not apply to any vessels that may leave any Chinese port before the first day of September next." (*Mr. Jones.*)

The Question—That the words proposed to be omitted stand part of the Clause, having been put and negatived;—

Motion made and Question put,—That, in the place of the words omitted, the words "six months after the passing thereof," be inserted. (*Mr. Rotton.*)

Committee divided.

Ayes, 8.

Mr. Hay,
Mr. W. Macleay,
Mr. Moriarty,
Mr. G. Macleay,
Mr. Owen,
Mr. W. B. Tooth,
Mr. Rotton,
Mr. Williamson, } Tellers.

Noes, 23.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Mr. Jamison,
Mr. Macarthur,
Mr. Smith,
Mr. Jones,
Mr. Jenkins,
Mr. R. Tooth,
Mr. Lloyd,
Mr. Flood,
Mr. Piddington,
Mr. Oakes,
Mr. Weekes,
Mr. Marks,
Mr. Lord,
Mr. Parkes,
Mr. J. Campbell,
Mr. Wild,
Mr. Cribb,
Mr. Gordon,
Mr. Buckley, } Tellers.

No. 13.

Motion made and Question put,—That, in the place of the words omitted, the words "from and after the first day of January, 1859" be inserted. (*Mr. Jamison.*)

Committee divided.

Ayes, 20.

Mr. Cribb,
Mr. Buckley,
Mr. Gordon,
Mr. Smith,
Mr. Macarthur,
Mr. Jamison,
Mr. Wild,
Mr. W. B. Tooth,
Mr. R. Tooth,
Mr. Marks,
Mr. Piddington,
Mr. Lloyd,
Mr. Jenkins,
Mr. Owen,
Mr. G. Macleay,
Mr. Moriarty,
Mr. W. Macleay,
Mr. Hay,
Mr. Rotton,
Mr. Williamson, } Tellers.

Noes, 11.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Mr. J. Campbell,
Mr. Parkes,
Mr. Lord,
Mr. Oakes,
Mr. Flood,
Mr. Jones,
Mr. Weekes, } Tellers.

Clause further amended, by the addition of the words "and may be cited as the "Chinese Immigration Act of 1858"; and, as so amended, carried. (Mr. Cowper.)

FRIDAY, 25 JUNE, 1858.

No. 14.

IMPOUNDING BILL.

Clause 34. It shall not be lawful for any "owner" or occupier of any land through which any public road or thoroughfare may pass such land not being enclosed to impound the cattle or sheep travelling along or through any such road provided that such cattle or sheep shall not be at a greater distance from the centre of such road or thoroughfare than one quarter of a mile and shall be moved at least five miles in one direction on or along such public road or thoroughfare within every successive period of twenty-four hours,—*Read.*

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

Amendment proposed,—That the word "Owner" be omitted, with a view to the insertion in its place of the word "Lessee." (*Mr. Robertson.*)

Afterwards proposed,—That the words "It not shall be lawful for any" be omitted, with a view (if this amendment be carried) to the omission of all the following words in *Italic.* (*Mr. Forster.*)

Question,—That the words "It shall not be lawful for any," proposed to be omitted, stand part of the Clause—put and carried.

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

Question then put,—That the word "Lessee," proposed to be inserted in the place of the word "Owner" omitted, be so inserted.

Committee divided.

And the Tellers reporting the numbers as follows :—

<p>Ayes, 11.</p> <p>Mr. Cowper, Mr. Robertson, Mr. Martin, Mr. R. Campbell, Mr. Cribb, Mr. Piddington, Mr. Suttor, Mr. W. B. Tooth, Mr. Lec, Mr. Rotton, } Tellers. Mr. Buckley, }</p>	<p>Noes, 7.</p> <p>Mr. Jamison, Mr. Paterson, Mr. Smith, Mr. Taylor, Mr. Jenkins, Mr. Hay, Mr. Forster, } Tellers.</p>
--	--

And it appearing by the said report that there was not a quorum of Members present;—

The Chairman left the Chair to report the same to the House.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 12.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 29 JUNE, 1858.

No. 1.

DISTRICT COURTS BILL.

Clause 7. All pleas of personal actions wherein the amount claimed is not more than "one" hundred pounds whether on balance of account or after an admitted set-off or otherwise may be holden in the Courts established under this Act Provided always that no such Court shall have cognizance of any action in which the title to land or the validity of any devise bequest or limitation under any will or settlement shall be in question "or shall have " jurisdiction in any action for seduction or criminal conversation" Provided nevertheless that if such title as aforesaid shall incidentally come in question in any action the Court shall have power to decide the claim which it is the immediate object of the action to enforce but the judgment of the Court shall not be evidence of title between the parties or their privies in any other action in that Court or in any proceedings in any other Court,—Read.

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

Amendment proposed,—That the word "one" be omitted, with a view to the insertion in its place of the word "five." (Mr. G. Macleay.)

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

Committee divided.

Ayes, 6.

- Mr. Cowper,
- Mr. Martin,
- Mr. Robertson,
- Mr. Aldcorn,
- Mr. Faucett,
- Mr. Buckley, } Tellers.

Noes, 18.

- Mr. Murray,
- Mr. Hay,
- Mr. G. Macleay,
- Mr. Owen,
- Mr. Denichy,
- Mr. Forster,
- Mr. Rotton,
- Mr. Taylor,
- Mr. Lee,
- Mr. Paterson,
- Mr. Marks,
- Mr. Cribb,
- Mr. Jones,
- Mr. Smith,
- Mr. W. B. Tooth,
- Mr. Piddington,
- Mr. Suttor,
- Mr. Donaldson, } Tellers.

No. 2.

Afterwards proposed,—That the word “two” be inserted in the place of the word omitted. (*Mr. Murray.*)

Afterwards proposed,—That the words “five hundred and ten” be inserted in the place of the word omitted. (*Mr. Forster.*)

And a Question arising, upon the Chairman having declined to put the greatest sum first, on the ground that such proceeding would be contrary to Parliamentary practice;—

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again so soon as a point of Order, which has arisen in the Committee, shall have been decided in the House. (*Mr. Forster.*)

Committee divided.

Ayes, 17.

Mr. Forster,
Mr. W. B. Tooth,
Mr. Smith,
Mr. Paterson,
Mr. Egan,
Mr. W. Macleay,
Mr. Taylor,
Mr. Jones,
Mr. Moriarty,
Mr. Murray,
Mr. Denichy,
Mr. Suttor,
Mr. Hay,
Mr. Piddington,
Mr. Donaldson,
Mr. Gordon,
Mr. G. Macleay, } Tellers.

Noes, 15.

Mr. Cowper,
Mr. Robertson,
Mr. Martin,
Mr. Rotton,
Mr. Owen,
Mr. Buckley,
Mr. Weekes,
Mr. Byrnes,
Mr. Cribb,
Mr. Lee,
Mr. Oakes,
Dr. Aldcorn,
Mr. Marks,
Mr. Wild,
Mr. Faucett, } Tellers.

No. 3.

The Committee having resumed, and the Question,—That the word “Two” be inserted in the place of the word “One,” omitted, having been put and carried.

Afterwards proposed,—That the Clause be further amended by the omission of all the words in *Italic*, with a view (if this motion be carried) of omitting all the following words of the Clause. (*Mr. Denichy.*)

Afterwards proposed,—That the words “*or shall have jurisdiction in any action for seduction or criminal conversation,*” be omitted. (*Mr. Rotton.*)

Question put,—That the words in *Italic* stand part of the Clause.

Committee divided.

Ayes, 13.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. Byrnes,
Mr. Parkes,
Mr. Buckley,
Mr. Oakes,
Mr. Suttor,
Mr. Faucett,
Mr. Smith,
Mr. Wild,
Mr. Rotton,
Mr. Owen, } Tellers.

Noes, 17.

Mr. Denichy,
Mr. Murray,
Mr. Jones,
Mr. Egan,
Mr. Hay,
Mr. Taylor,
Mr. W. B. Tooth,
Mr. Moriarty,
Mr. Lee,
Mr. Piddington,
Mr. Paterson,
Mr. Weekes,
Dr. Aldcorn,
Mr. Cribb,
Mr. W. Macleay,
Mr. Gordon,
Mr. G. Macleay, } Tellers.

All the following words of the Clause expunged.

Clause, as amended, carried, so as to read thus:—

7. *All pleas of personal actions wherein the amount claimed is not more than Two hundred pounds whether on balance of account or after an admitted set-off or otherwise may be holden in any Court established under this Act. (Mr. Martin.)*

No. 4.

Motion made and Question put,—That the following new Clause stand part of the Bill, to follow Clause 10 as printed. (*Mr. Faucett.*)

On the trial of any matter or question or on any inquiry arising in any suit action or other proceeding in any Court established or before any Judge appointed under this Act the husbands and wives of the parties thereto and of the persons in whose behalf any such suit action or proceeding may be brought or instituted or opposed or defended shall except as hereinafter excepted be competent and compellable to give evidence either *videlicet* or by deposition according to the practice of the Court on behalf of either or any of the parties to the said suit action or other proceeding.

Committee

Committee divided.

Ayes, 6.
 Mr. W. Macleay.
 Mr. Hay,
 Mr. Suttar,
 Mr. Paterson,
 Mr. Owen, }
 Mr. Faucett, } Tellers.

Noes, 20.

Mr. Cowper,
 Mr. Martin,
 Mr. Robertson,
 Mr. Gordon,
 Mr. Jones,
 Mr. Deniehy,
 Mr. Parkes,
 Mr. G. Macleay,
 Mr. Oakes,
 Mr. Byrnes,
 Mr. Lee,
 Mr. Smith,
 Mr. Moriarty,
 Mr. Buckley,
 Mr. Egan,
 Mr. Weekes,
 Mr. Cribb,
 Dr. Aldcorn,
 Mr. Rotton, }
 Mr. Murray, } Tellers.

No 5.

Clause 25, (as amended.) So soon as it shall appear that the jurisdiction now exercised by any Court of Petty Sessions under the Acts of Council 10th Victoria No. 10 and 11th Victoria No. 2 can in consequence of the establishment of a District Court be advantageously dispensed with wholly or in respect of residents within any portion of the Police District of such Court of Petty Sessions it shall be lawful for the Governor with the advice of the Executive Council to notify and declare that the jurisdiction of such Court of Petty Sessions shall thenceforward cease and such jurisdiction shall thereupon cease accordingly. Provided however that the jurisdiction of the said Court of Petty Sessions shall continue in respect of all cases then pending therein,—*Re-d.*

Motion made and Question put, That the Clause as read stand part of the Bill.

(Mr. Martin.)

Committee divided.

Ayes, 11
 Mr. Cowper,
 Mr. Martin,
 Mr. Robertson,
 Mr. Parkes,
 Mr. Buckley,
 Mr. Oakes,
 Mr. Cribb,
 Dr. Aldcorn,
 Mr. Byrnes,
 Mr. Rotton, }
 Mr. Owen, } Tellers.

Noes, 15.

Mr. Suttar,
 Mr. Deniehy,
 Mr. Hay,
 Mr. W. Macleay,
 Mr. Jones,
 Mr. Gordon,
 Mr. Weekes,
 Mr. Wild,
 Mr. Egan,
 Mr. G. Macleay,
 Mr. Paterson,
 Mr. Lee,
 Mr. Moriarty,
 Mr. Smith, }
 Mr. Faucett, } Tellers.

WEDNESDAY, 30 JUNE, 1858.

No. 6.

SUPPLY—ESTIMATES FOR 1858. (ADMINISTRATION OF JUSTICE.)

(Quarter Sessions.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £6,659, to defray the Salaries and Contingencies of the Quarter Sessions Establishment for the year 1858. (Mr. Martin.)

Motion made and Question put,—That there be granted a sum not exceeding £6,559 for this service, (being £100 less than the Original Estimate, *i. e.*, a reduction of £50 each on the Salaries of the Clerks of the Peace for Bathurst and Goulburn respectively) (Mr. Rotton.)

Committee divided.

Ayes, 16.
 Mr. Cribb,
 Mr. Scott,
 Mr. Rotton,
 Mr. Lloyd,
 Mr. W. Macleay,
 Mr. Forster,
 Mr. Wild,
 Mr. G. Macleay,
 Mr. Macarthur,
 Mr. Dickson,
 Mr. Byrnes,
 Mr. Oakes,
 Mr. Marks,
 Dr. Aldcorn,
 Mr. Parkes, }
 Mr. Dalley, } Tellers.

Noes, 18.

Mr. Martin,
 Mr. R. Campbell,
 Mr. Moriarty,
 Mr. Paterson,
 Mr. Weekes,
 Mr. Lord,
 Mr. Lee,
 Mr. Faucett,
 Mr. Taylor,
 Mr. Murray,
 Mr. Flood,
 * Mr. Tooth,
 Mr. Smith,
 Mr. Jones,
 Mr. Robertson,
 Mr. Cowper,
 Mr. Hay, }
 Mr. Donaldson, } Tellers.

Original Question put and carried.

* So in Tellers' List.

No. 7.

No. 7.

CHINESE IMMIGRATION BILL. (*Recommended with a view to amend Clause 3.*)

Clause 3. If any ship shall arrive in any port in New South Wales having on board a greater number of passengers including the master and crew and cabin passengers than in the proportion of one person to every "two" tons of the tonnage of such ship and any of such passengers shall be Chinese the owner charterer or master of such ship shall be liable on conviction to a penalty not exceeding ten pounds for each passenger so carried in excess.—*Read.*

Question proposed,—That the Clause be amended, by the omission of the word "two," with a view to the insertion in its place of the word "ten." (*Mr. Smith.*)

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

Ayes, 24.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. Murray,
Mr. Buckley,
Mr. Gordon,
Mr. Egan,
Mr. Cox,
Mr. Donaldson,
Mr. G. Macleay,
Mr. Rotton,
Mr. Lloyd,
Mr. Forster,
Mr. W. Macleay,
Mr. Moriarty,
Mr. Scott,
Mr. Suttor,
Mr. Piddington,
Mr. Cribb,
Mr. Marks,
Mr. Jenkins,
Mr. W. B. Tooth,
Mr. Owen, } Tellers.
Mr. Hay, }

Noes, 16.

Mr. Macarthur,
Mr. Paterson,
Mr. Wild,
Mr. Weekes,
Mr. Taylor,
Mr. R. Tooth,
Mr. Oakes,
Mr. Lee,
Mr. Lord,
Mr. Jones,
Dr. Aldcorn,
Mr. Dickson,
Mr. Flood,
Mr. Byrnes,
Mr. Smith, } Tellers.
Mr. Parkes, }

Clause as read carried, and Bill reported without further amendment. (Mr. Cowper.)

No. 8.

ELECTORAL LAW AMENDMENT BILL, (*as amended, down to "Kiama," inclusive.*)

Clause 4. The Colony shall be divided into the Electoral Districts named in the first column of the next following Table And such Districts shall severally comprise and consist of the Police Districts and portions of Police Districts set against the respective names of such Electoral Districts in the second column of the same Table.

Argyle	{ The Police District of Goulburn, exclusive of the Electorate of Goulburn.
Bathurst	{ The portion of the Police District of Bathurst, included in the Towns of Bathurst and Kelso.
Bogan, The	The Police Districts of Dubbo and Molong.
Braidwood	The Police District of Braidwood.
Brisbane	{ The portion of the Police District of Brisbane included in the Town of Brisbane.
Burnett, The	{ The Police Districts of Gayndah—Maryborough—Leichhardt and Gladstone.
Camden, West	{ The Police District of Berrima with that portion of the Police District of Camden Narellan and Picton not included in the County of Cumberland.
Canterbury	{ The portion of the Metropolitan Police District south of Port Jackson and of the Parramatta Road west of Long Cove south of the Parramatta River and north of Cook's River and not included in the Hamlets.
Carcoar	The Police District of Carcoar.
Narellan	{ The Police District of Campbelltown with the portion of the Police District of Camden Narellan and Picton included in the County of Cumberland.
Clarence, The	The Police Districts of Grafton and Tabulam.
Cudgegong, The ...	The Police District of Mudgee.
Central Cumberland	{ The portion of the Police District of Parramatta and Liverpool not included in the Town of Parramatta or in the Parish of Hunter's Hill.
Darling Downs, The	{ The Police Districts of Warwick—Drayton—Dalby and Condamine.
Eden	The Police Districts of Broulee and Eden.
Glebe, The	{ The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Balmain.
Goulburn	{ The portion of the Police District of Goulburn included in the Town of Goulburn.

Gwydir

Gwydir, The... ..	The Police Districts of Warialda and Wee Wee.
Hartley	The Police Districts of Hartley and Rylstone.
Hastings, The	The Police Districts of the M'Leay River—Port Macquarie and the Manning.
Hawkesbury, The...	The Police District of the McDonald River and the portion of the Police District of Windsor not included in the Town of Windsor or of Richmond.
Hunter, The	The portion of the Maitland Police District bounded on the east by the Paterson River by the road from Lang's Mill to the Maitland and Paterson Road by that road to the north boundary of the Bulwarra Estate and by that boundary easterly to the River Hunter by the River Hunter upward to the west boundary of E. C. Close's Morpeth Grant and by that boundary and the boundary of the Maitland Reserve to the Road from Maitland to Raymond Terrace and on the north by the road from Maitland to Raymond Terrace and not included in the Towns of East and West Maitland or in the Electoral District of Morpeth.
Hunter, The Lower.	The Police District of Raymond Terrace.
Hunter, The Upper.	The Police Districts of Merton and Muswellbrook—Scone and Cassilis and the portion of the Police District of Murrurundi south-east of the Liverpool Range.
Illawarra	The Police District of Wollongong.
Ipswich	The portion of the Police District of Ipswich included in the Town of Ipswich.
Kiama	The Police District of Kiama.
"Lachlan, The" ...	The Police Districts of Binalong and Wagga Wagga.
Liverpool Plains ...	The Police District of Tamworth and the portion of the Police District of Murrurundi north-west of the Liverpool Range.
"Maitland, East" ...	The portion of the Police District of Maitland included in the Towns of East Maitland and Morpeth.
Maitland, West ...	The portion of the Police District of Maitland included in the Town of West Maitland.
"Monaro"	The Police Districts of Cooma—Bombala and Eden.
Moreton, East	The portion of the Police District of Brisbane not included in the Town of Brisbane.
Moreton, West.....	The portion of the Police District of Ipswich not included in the Town of Ipswich.
"Murray, The "Lower".....	The Police Districts of Bahranald—Moulamein—Deniliquin and Moama.
Murray, The Upper	The Police District of Albury.
Murrumbidgee, The	The Police Districts of Gundagai and Tumut.
Nepean, The.....	The Police District of Perzith.
Newcastle.....	The Police District of Newcastle.
New England	The Police District of Armidale.
Newtown	The portion of the Metropolitan Police District included in the Hamlets of Newtown—O'Connell Town—Camperdown and Chippendale.
Paddington	The portion of the Metropolitan Police District included in the Hamlets of Paddington—Surry Hills and Redfern.
Parramatta	The portion of the Police District of Parramatta and Liverpool included in the Towns of Parramatta and Liverpool.
Paterson, The	The Police District of Paterson.
Patrick's Plains ...	The Police District of Patrick's Plains.
Queanbeyan, The...	The Police District of Queanbeyan.
St. Leonard's	The portion of the Metropolitan Police District north of Port Jackson and of the Parramatta Road and not included in the Glebe and Balmain Hamlets.
St. Vincent	The Police Districts of Braidwood and Broulee.
Shoalhaven	The Police District of Shoalhaven.
Sydney, North-east	The portion of the Police District of Sydney included in Bourke and Macquarie Wards.
Sydney, South-west	The portion of the Police District of Sydney included in Phillip and Denison Wards.
Sydney, South-east	The portion of the Police District of Sydney included in Cook and Fitz Roy Wards.
Sydney, North-west	The portion of the Police District of Sydney included in Gipps and Brisbane Wards.
Turon, The	The portion of the Police District of Bathurst not included in the Town of Bathurst.
Wellington	The Police Districts of Orange and Wellington.

Williams, The The Police Districts of Dungog and Port Stephens.
 Windsor { The portion of the Police District of Windsor included
 in the Towns of Windsor and Richmond.
 Wollombi, The..... The Police Districts of Gosford and Wollombi.
 Yass Plains The Police District of Yass.

And the boundaries of such Police Districts and portions of Police Districts shall be the now subsisting boundaries as respectively set forth and defined and published under the hand of the Colonial Secretary in the *Gazette* dated the 185 Provided that no Police District of the Colony shall hereafter be altered without the authority of Parliament.

Question proposed,—That the Clause be further amended in the definition of the Electorate of "Lachlan, The," by converting the word "Districts" into "District," with a view to the omission of the concluding words "and Wagga Wagga." (Mr. Cowper.)

Afterwards proposed,—That the Clause be further amended, in the definition of the last mentioned Electorate, by the omission of the word "and," with a view to the addition, after the words "Wagga Wagga," of the words "Yass, Gundagai, and Balranald, with the exception of those portions not contained in the Pastoral Districts of Lachlan, Lower Darling, and Albert." (Mr. W. Macleay.)

Question put,—That the word "Districts" be converted into "District."

Committee divided.

Ayes, 21.

Mr. Cowper,
 Mr. Martin,
 Mr. R. Campbell,
 Mr. Robertson,
 Mr. Oakes,
 Mr. Jones,
 Mr. Weekes,
 Mr. Owen,
 Mr. Byrnes,
 Mr. Buckley,
 Mr. Rotton,
 Mr. Parkes,
 Mr. Forster,
 Mr. Flood,
 Mr. Gordon,
 Mr. Egan,
 Mr. Dickson,
 Mr. Aldcorn,
 Mr. J. Campbell,
 Mr. Cribb, } Tellers.
 Mr. Marks, }

Noes, 18.

Mr. W. Macleay,
 Mr. Paterson,
 Mr. G. Macleay,
 Mr. Moriarty,
 Mr. Cox,
 Mr. Piddington,
 Mr. Taylor,
 Mr. Jenkins,
 Mr. Lee,
 Mr. Suttor,
 Mr. Macarthur,
 Mr. Wild,
 Mr. R. Tooth,
 Mr. Lloyd,
 Mr. W. B. Tooth,
 Mr. Smith,
 Mr. Hay, } Tellers.
 Mr. Donaldson, }

Question,—That the words "and Wagga Wagga" stand part of the Clause—put and Negatived.

No. 9.

The following further Amendments having been made, respectively. (Mr. Cowper):—

(1.) In the definition of the Electorate of "Mailland East"—all the words following the words "The portion of the Police District of Mailland" omitted, and the following words substituted:—"bounded on the north by the Road from Raymond Terrace to Mailland by the east and north boundaries of the East Mailland Reserve, and the west boundary of Close's Morpeth Grant to the River Hunter, and by the River Hunter upwards to the confluence of Wallis Creek, and on the west by that creek."

(2.) In the definition of the Electorate of "Monaro"—the word "and" inserted between "Cooma" and "Bombala," and the words "and Eden" omitted.

Question proposed—That the Clause be further amended, in the definition of the Electorate of "Murray, The Lower," by the omission of the word "Balranald." (Mr. Flood.)

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

Committee divided.

Ayes, 15.

Mr. Cowper,
 Mr. Robertson,
 Mr. R. Campbell,
 Mr. Jones,
 Mr. Dickson,
 Mr. Weekes,
 Mr. Byrnes,
 Mr. Rotton,
 Mr. Scott,
 Mr. Oakes,
 Mr. Cribb,
 Dr. Aldcorn,
 Mr. J. Campbell,
 Mr. Egan, } Tellers.
 Mr. Gordon, }

Noes, 16.

Mr. Smith,
 Mr. Hay,
 Mr. Suttor,
 Mr. Jenkins,
 Mr. Taylor,
 Mr. Moriarty,
 Mr. G. Macleay,
 Mr. Cox,
 Mr. R. Tooth,
 Mr. Lee,
 Mr. Flood,
 Mr. Paterson,
 Mr. Lloyd,
 Mr. Buckley,
 Mr. W. Macleay,
 Mr. W. B. Tooth, } Tellers.

No. 10.

No. 10.

A Question "to Report Progress" being under discussion; and exception having been taken to certain words used by an Honorable Member during the debate;—and the Chairman having declined to put a Question, "That the words "(excepted to) be taken down,"—on the ground that other words had intervened:—

Motion made and Question put—"That the Chairman now leave the Chair, and report to the House that a point of order has arisen." (*Mr. Wild.*)

Committee divided.

Ayes, 15.
 Mr. W. Macleay,
 Mr. Moriarty,
 Mr. Paterson.
 Mr. Lee,
 Mr. Jenkins,
 Mr. Taylor,
 Mr. Cox,
 Mr. Lloyd,
 Mr. Suttor,
 Mr. R. Tooth,
 Mr. Hay,
 Mr. W. B. Tooth,
 Mr. Piddington,
 Mr. Wild, } Tellers.
 Mr. Smith. }

Noes, 21.
 Mr. R. Campbell,
 Mr. Robertson,
 Mr. Cowper,
 Dr. Aldcorn,
 Mr. Dickson,
 Mr. Weekes,
 Mr. Marks,
 Mr. Flood,
 Mr. Deniehy,
 Mr. Owen,
 Dr. Bowker,
 Mr. Scott,
 Mr. Oakes,
 Mr. Rotton,
 Mr. Byrnes,
 Mr. Egan,
 Mr. Gordon,
 Mr. Cribb,
 Mr. J. Campbell,
 Mr. Jones, } Tellers.
 Mr. Buckley, }

Question,—To report Progress and ask leave to sit again,—carried. (Mr. Cowper.)

THURSDAY, 1 JULY, 1858.

No. 11.

SUPPLY—ESTIMATES FOR 1858.

(DEPARTMENT OF LANDS AND PUBLIC WORKS, AS SUBSTITUTED BY MESSAGE No. 11.)

(*Survey and Management of Crown Lands.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £1,100, to defray the salary of the Surveyor General for the year 1858. (*Mr. Robertson.*)

Motion made and Question put,—That there be granted a sum not exceeding £1,050 for this service (being £50 less than the Original Estimate.) (*Mr. Forster.*)

Committee divided.

Ayes, 22.
 Mr. Jones,
 Mr. Cribb,
 Mr. Wild,
 Mr. Weekes,
 Mr. Cox,
 Mr. Owen,
 Mr. Parkes,
 Mr. Gordon,
 Mr. Forster,
 Mr. Thornton,
 Mr. Rotton,
 Mr. Deniehy,
 Mr. Piddington,
 Mr. Smith,
 Mr. G. Macleay,
 Mr. Hay,
 Mr. W. Macleay,
 Mr. Murray,
 Mr. Marks,
 Dr. Aldcorn,
 Mr. Dalley, } Tellers.
 Mr. Moriarty, }

Noes, 13.
 Dr. Bowker,
 Mr. Cowper,
 Mr. Robertson,
 Mr. R. Campbell,
 Mr. Egan,
 Mr. Dickson,
 Mr. Flood,
 Mr. Paterson,
 Mr. Lord,
 Mr. Lee,
 Mr. Oakes,
 Mr. J. Campbell, } Tellers.
 Mr. Suttor, }

No. 12.

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £800, to defray the salary of the Deputy Surveyor General, for the year 1858. (*Mr. Robertson.*)

Committee

Committee divided.

Ayes, 23.

Mr. Robertson,
Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Weekes,
Mr. Cribb,
Mr. Buckley,
Mr. Macarthur,
Mr. Suttor,
Mr. Piddington,
Mr. Hay,
Mr. W. B. Tooth,
Mr. Lee,
Mr. Owen,
Mr. Murray,
Mr. Parkes,
Mr. Dickson,
Mr. Egan,
Mr. Marks,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Flood, } Tellers.
Mr. Jones, }

Noes, 11.

Mr. Moriarty,
Mr. G. Macleay
Mr. Lord,
Mr. Wild,
Mr. Lloyd,
Mr. Gordon,
Mr. Rotton,
Dr. Bowker,
Mr. Jenkins,
Mr. Forster, } Tellers.
Mr. Donaldson, }

No. 13.

The attention of the Chairman having been drawn to the circumstance that certain Members had been excluded from voting in the last division, by the mistake of locking the doors before ringing the bell—a second division was come to, as follows:—

Ayes, 28.

Mr. Robertson,
Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Owen,
Mr. Weekes,
Mr. Cribb,
Mr. Buckley,
Mr. Dalley,
Mr. Thornton,
Mr. W. B. Tooth,
Mr. Suttor,
Mr. Lee,
Mr. Piddington,
Mr. R. Tooth,
Mr. Smith,
Mr. Murray,
Mr. Macarthur,
Mr. Parkes,
Mr. Dickson,
Mr. Egan,
Mr. Marks,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Hay,
Mr. Flood, } Tellers.
Mr. Jones, }

Noes, 13.

Mr. W. Macleay,
Mr. Lloyd,
Mr. Wild,
Mr. Gordon,
Mr. Donaldson,
Mr. G. Macleay,
Mr. Lord,
Mr. Jenkins,
Dr. Bowker,
Mr. Cox,
Mr. Rotton,
Mr. Moriarty, } Tellers.
Mr. Forster, }

No. 14.

Attention having been drawn to the following point of Order:—

1. That the Chairman had declined to receive an Amendment, after the voices had been given in the affirmative and in the negative, but before he declared whether the Ayes or Noes had it.
2. That the Chairman had again declined to receive this Amendment, when it was offered on occasion of a second division which was come to on the same question, in order to give Members who were excluded by mistake of locking the doors before ringing the Bell the opportunity of exercising their right to vote on it;—(*Mr. Murray.*)

Motion made and Question put,—That the Chairman now leave the Chair, report the point of Order to the House, and ask leave to sit again so soon as the same shall have been disposed of. (*Mr. Murray.*)

Committee divided.

Ayes, 22.

Mr. G. Macleay,
Mr. Wild,
Mr. Murray,
Mr. Rotton,
Mr. Thornton,
Mr. Cox,
Mr. Forster,
Mr. Jenkins,
Mr. W. B. Tooth,
Mr. Hay,
Mr. Suttor,
Mr. R. Tooth,
Mr. Lee,
Dr. Bowker,
Mr. Lord,
Mr. J. Macarthur,
Mr. Lloyd,
Mr. W. Macleay,
Mr. Piddington,
Mr. Moriarty,
Mr. Gordon, } Tellers.
Mr. Smith, }

Noes, 17.

Mr. R. Campbell,
Mr. Cowper,
Mr. Robertson,
Mr. Jones,
Mr. Owen,
Dr. Aldcorn,
Mr. Parkes,
Mr. Egan,
Mr. Marks,
Mr. Dickson,
Mr. Dalley,
Mr. Cribb,
Mr. Byrnes,
Mr. Weekes,
Mr. J. Campbell,
Mr. Flood, } Tellers.
Mr. Buckley, }

No. 15.

No. 15.

Committee having resumed :—

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £3,120, to defray the Salaries of four District Surveyors, at £780* each, for the year 1858. (*Mr. Robertson.*)

Motion made and Question put,—That there be granted a sum not exceeding £2,000 for this Service (being £1,120† less than the Original Estimate.) (*Mr. Hay.*)

Committee divided.

Ayes, 13.

Mr. Moriarty,
Mr. Gordon,
Mr. W. Macleay,
Mr. Cox,
Mr. Piddington,
Mr. W. B. Tooth,
Mr. Faucett,
Mr. Forster,
Mr. Jenkins,
Mr. Macarthur,
Mr. Paterson,
Mr. Hay,
Mr. R. Tooth, } Tellers.

Noes, 19.

Mr. Robertson,
Mr. Cowper,
Mr. R. Campbell,
Mr. Jones,
Dr. Aldcorn,
Mr. Wild,
Mr. Parkes,
Mr. Weekes,
Mr. Rotton,
Mr. Byrnes,
Mr. Lee,
Mr. Flood,
Dr. Bowker,
Mr. Egan,
Mr. Cribb,
Mr. J. Campbell,
Mr. Dickson,
Mr. Buckley, } Tellers.
Mr. Dalley, }

Original Question put and carried.

* Stated, in a Foot Note, to be inclusive of £280 Allowance for Equipment.

† Meaning the aggregate amount of proposed Allowance for Equipment.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 13.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 13 JULY, 1858.

No. 1.

IMPOUNDING BILL.

Clause 34 (*as amended*). It shall not be lawful for any or occupier of any "land" through which any public road or thoroughfare may pass such land not being enclosed to impound the cattle or sheep travelling along or through any such road provided that such cattle or sheep shall not be at a greater distance from the centre of such road or thoroughfare than one quarter of a mile and shall be moved at least five miles in one direction on or along such public road or thoroughfare within every successive period of twenty-four hours.

Motion made and Question put,—That the Clause be further amended by filling the space left blank (originally occupied by the word "owner") with the word "lessee." (*Mr. Robertson.*)

Committee divided.

Ayes, 20.

Mr. Cowper,
Mr. Robertson,
Mr. Martin,
Mr. Rotton,
Mr. Jones,
Mr. Denichy,
Mr. Piddington,
Mr. Cox,
Mr. Suttor,
Mr. Marks,
Mr. Lee,
Dr. Bowker,
Mr. Murray,
Mr. Egan,
Mr. Dickson,
Mr. Buckley,
Mr. Oakes,
Mr. J. Campbell,
Mr. Richardson, } Tellers.
Mr. Parkes, }

Noes, 8.

Mr. Forster,
Mr. R. Tooth,
Mr. Wild,
Mr. Dalley,
Mr. Donaldson,
Mr. Taylor,
Mr. Hay, } Tellers.
Mr. Jamison, }

No. 2.

The Clause having been further amended, by the insertion of the word "Crown" before "land." (Mr. Robertson.)

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

Committee divided.

Ayes, 15.

Mr. Cowper,
Mr. Robertson,
Mr. Martin,
Mr. Richardson,
Mr. Jones,
Mr. Parkes,
Mr. Cox,
Dr. Bowker,
Mr. Marks,
Mr. Egan,
Mr. Dickson,
Mr. Buckley,
Mr. J. Campbell,
Mr. Oakes, } Tellers.
Mr. Deniehy, }

Noes, 13.

Mr. Forster,
Mr. R. Tooth,
Mr. Wild,
Mr. Rotton,
Mr. Dalley,
Mr. Donaldson,
Mr. Taylor,
Mr. Lee,
Mr. Murray,
Mr. Suttor,
Mr. Piddington,
Mr. Hay, } Tellers.
Mr. Jamison, }

No. 3.

SCHEDULE A.

Tables of Rates to be charged for trespass of Cattle.

Description of Cattle trespassing.	<i>In any forest, or open pasture land, open stubble, after grass, or other unenclosed land.</i>	In any paddock of grass enclosed by a good and substantial fence.	In any garden, uncut meadow, or growing crop of any kind enclosed by a good substantial fence.
	s. d.	s. d.	s. d.
For every horse, mare, gelding, } colt, filly, ass, mule, bull, cow, } ox, heifer, steer, calf	0 3	1 0	4 0
For every ram, ewe, sheep, or lamb..	0 0 $\frac{1}{4}$	0 1	0 4
For every goat	0 6	2 0	8 0
For every pig			

Read.

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

Amendment proposed—That all the words in *Italic* be omitted, with a view to the insertion in their place of the words “on any unenclosed land in the Inter-mediate or Unsettled Districts.” (*Mr. Rotton.*)

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

Ayes, 24.

Mr. Cowper,
Mr. Robertson,
Mr. Forster,
Mr. Hay,
Mr. Richardson,
Mr. Macarthur,
Mr. Jones,
Mr. Parkes,
Mr. Weekes,
Mr. Piddington,
*Mr. Tooth,
Mr. Murray,
Mr. Wild,
Mr. Suttor,
Mr. Lee,
Mr. Cox,
Dr. Bowker,
Mr. Egan,
Mr. Dickson,
Mr. Buckley,
Mr. J. Campbell,
Mr. Oakes,
Mr. Marks, } Tellers.
Mr. Donaldson, }

Noes, 2.

Mr. Jamison, } Tellers.
Mr. Rotton, }

* So in Tellers' List.

Schedule as Read, Carried.

No. 4.

PUBLICANS' LICENSING ACT AMENDMENT BILL.

Clause 1. (*as amended*) It shall be lawful for the Governor with the advice of the Executive Council in all cases where it shall be made to appear that any applicant for a Publican's General License at the Annual Licensing Meeting or at any meeting for the transfer of licenses has been unable to obtain from the Justices the certificate required to authorize the issue of such license because of some mistake in the form of his application or in the time of delivering it to the Clerk of Petty Sessions or of any other mistake not material to the merits of the application And in all cases where any such application shall have been refused on improper or insufficient grounds to direct
by

by writing under his hand notwithstanding such mistake or refusal that a Publican's General License may issue to such applicant and such license shall be for the like period and have the same effect and shall be paid for previously to its issuing at the same rate as if it had been granted at any such Annual or Transfer Meeting as aforesaid respectively,—*Read.*

Motion made and Question put,—That the Clause, as read, stand part of the Bill.

(*Mr. Martin.*)

Committee divided.

And the Tellers reporting the numbers as follows:—

Ayes, 13.	Noes, 6.
Mr. Cowper,	Mr. Macarthur,
Mr. Martin,	Mr. Wild,
Mr. Robertson,	Mr. Parkes,
Mr. Jones,	Mr. Oakes,
Mr. Forster,	Mr. Hay,
Mr. Weekes,	Mr. Donaldson, } Tellers.
Mr. Hutton,	
Mr. Lee,	
Mr. Buckley,	
Dr. Bowker,	
Mr. J. Campbell,	
Mr. Marks, } Tellers.	
Mr. Egan, }	

And it appearing by the said Report that there was not a quorum of Members present;—

The Chairman left the Chair to report the same to the House.

Committee resumed and Question carried without Division.

WEDNESDAY, 14 JULY, 1858.

No. 5.

SUPPLY—ESTIMATES FOR 1858.

(DEPARTMENT OF LANDS AND PUBLIC WORKS, AS SUBSTITUTED BY MESSAGE No. 11.)

(*Railways—Extension of existing lines—To be provided for by Loan.*)

Question proposed,—That there be granted to Her Majesty in the year 1858, a sum not exceeding £712,000, to defray the extension of existing lines of Railway, to be provided for by Loan, viz.:—

West Maitland to Singleton, including land, 27 $\frac{1}{2}$ miles	812,000	0	0
Campbelltown to Menangle, including land, 5 $\frac{1}{4}$ miles	65,000	0	0
Menangle to Picton, including land, 14 $\frac{1}{4}$ miles	178,000	0	0
Parramatta to Penrith, including land, 20 miles	189,000	0	0
Rolling Stock for Picton Line	29,000	0	0
Rolling Stock for Penrith Line	28,500	0	0
Tramway from Redfern to the Circular Quay	6,000	0	0
Rolling Stock for Tramway	1,500	0	0
Contingent Sum for unforeseen and incidental expenses, as additional sidings, stations, &c., on existing lines, as required	10,000	0	0
TOTAL, including an assumed Sum for Land	819,000	0	0
<i>Deduct, Vote for Rails in 1857</i>	<i>107,000</i>	<i>0</i>	<i>0</i>
NET TOTAL	£ 712,000	0	0

(*Mr. Robertson.*)

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

Committee divided.

Ayes, 13.	Noes, 26.
Mr. Buckley,	Mr. Cowper,
Mr. Jones,	Mr. Robertson,
Mr. Parkes,	Mr. Martin,
Mr. Taylor,	Dr. Aldcorn,
Mr. Forster,	Mr. Egan,
Mr. Paterson,	Mr. Dickson,
Mr. Wild,	Mr. Cribb,
Mr. Jenkins,	Mr. Denichy,
Mr. Suttor,	Mr. Dalloy,
Mr. W. Macleay,	Mr. Rotton,
Mr. Williamson,	Mr. Weekes,
Mr. Smith, } Tellers.	Mr. Cox,
Mr. Hay, }	Mr. Lloyd,
	Mr. Murray,
	Mr. Thornton,
	Mr. Hodgson,
	Mr. Lec,
	Mr. Jamison,
	Mr. Scott,
	Mr. Piddington,
	Mr. Marks,
	Dr. Bowker,
	Mr. Gordon,
	Mr. J. Campbell,
	Mr. Byrnes, } Tellers.
	Mr. Oakes, }

No. 6.

Original Question stated.

And the Committee having continued to sit till after midnight.

THURSDAY, 15 JULY, 1858, A. M.

Motion made and Question put,—That the further consideration of this Estimate be postponed. (*Mr. Forster.*)

Committee divided.

Ayes, 8.

Mr. Forster,
Mr. Jenkins,
Mr. W. Macleay,
Mr. Taylor,
Mr. Suttor,
Mr. Paterson,
Mr. Williamson, } Tellers.
Mr. Buckley.

Noes, 26.

Mr. Cowper,
Mr. Robertson,
Mr. Rotton,
Mr. Hodgson,
Mr. Smith,
Mr. Dickson,
Mr. Egan,
Mr. Lloyd,
Mr. Cribb,
Mr. Thornton,
Mr. Gordon,
Mr. Jamison,
Mr. Lee,
Mr. Denichy,
Mr. Weekes,
Mr. Dalley,
Mr. Scott,
Mr. Cox,
Mr. Murray,
Mr. Piddington,
Mr. Jones,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Marks,
Mr. Byrnes, } Tellers.
Mr. Oakes.

No. 7.

Original Question put.

Committee divided.

Ayes, 25.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. Jamison,
Mr. Rotton,
Mr. Jones,
Mr. Dickson,
Mr. Weekes,
Mr. Denichy,
Mr. Cox,
Mr. Egan,
Mr. Lloyd,
Mr. Cribb,
Mr. Byrnes,
Mr. Piddington,
Mr. Murray,
Mr. Suttor,
Mr. Hodgson,
Mr. Smith,
Mr. Buckley,
Mr. Lee,
Mr. Oakes,
Mr. J. Campbell,
Mr. Scott, } Tellers.
Mr. Dalley.

Noes, 5.

Mr. Forster,
Mr. Taylor,
Mr. Gordon,
Mr. Marks, } Tellers.
Mr. Williamson.

THURSDAY, 15 JULY, 1858., P. M.

No. 8.

SUPPLY resumed. (SAME DEPARTMENT.)

(*Railway Establishment.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £1,500, to defray the Salary of the Chief Commissioner of Railways, for the year 1858. (*Mr. Robertson.*)

Motion made and Question put,—That there be granted a sum not exceeding One Shilling for this service. (*Mr. Forster.*)

Committee

Committee divided.

Ayes, 2.

Mr. Forster,	} Tellers.
Mr. Williamson,	

Noes, 26.

Mr. Cowper,
Mr. Robertson,
Mr. Smith,
Mr. Hay,
Mr. G. Macleay,
Mr. Hodgson,
Mr. Egan,
Mr. Weekes,
Mr. Thornton,
Mr. Suttor,
Mr. Dickson,
Mr. Piddington,
Mr. Jones,
Mr. Cox,
Mr. Jenkins,
Mr. Rotton,
Mr. Oakes,
Mr. Lee,
Mr. Paterson,
Mr. R. Tooth,
Mr. Scott,
Mr. Murray,
Mr. Cribb,
Mr. J. Campbell,
Mr. Macarthur,
Mr. Gordon,

Mr. Macarthur,	} Tellers.
Mr. Gordon,	

No. 9.

Motion made question put,—That there be granted a sum not exceeding £1,000 for this service, (being £500 less than the Original Estimate.) (*Mr. Forster.*)

Committee divided.

Ayes, 7.

Mr. Parkes,
Mr. Dickson,
Mr. Forster,
Dr. Bowker,
Mr. Piddington,
Mr. Gordon,
Mr. Williamson,

Mr. Piddington,	} Tellers.
Mr. Gordon,	

Noes, 29.

Mr. Cowper,
Mr. Robertson,
Mr. Macarthur,
Mr. Suttor,
Mr. R. Tooth,
Dr. Alcorn,
Mr. Jenkins,
Mr. G. Macleay,
Mr. Thornton,
Mr. Egan,
Mr. Hay,
Mr. Taylor,
Mr. Jones,
Mr. Paterson,
Mr. Weekes,
Mr. Oakes,
Mr. Lee,
Mr. Lloyd,
Mr. Scott,
Mr. Rotton,
Mr. Buckley,
Mr. Cox,
Mr. W. B. Tooth,
Mr. Wild,
Mr. Cribb,
Mr. Murray,
Mr. J. Campbell,
Mr. Smith,
Mr. Hodgson,

Mr. Smith,	} Tellers.
Mr. Hodgson,	

No. 10.

Motion made and Question put,—That there be granted a sum not exceeding £1,150 for this Service (being £350 less than the original Estimate.) (*Mr. Williamson.*)

Committee divided.

Ayes, 9.

Mr. Dickson,
Mr. Forster,
Mr. Piddington,
Mr. Parkes,
Mr. Oakes,
Dr. Bowker,
Mr. Cribb,
Mr. Gordon,
Mr. Williamson,

Mr. Williamson,	} Tellers.
Mr. Gordon,	

Noes, 24.

Mr. Cowper,
Mr. Robertson,
Mr. Macarthur,
Mr. Smith,
Mr. Thornton,
Mr. G. Macleay,
Mr. Weekes,
Mr. Hay,
Mr. Jones,
Mr. R. Tooth,
Mr. Buckley,
Mr. Lee,
Mr. Taylor,
Mr. Scott,
Mr. Lloyd,
Mr. Murray,
Mr. Cox,
Mr. Rotton,
Mr. Paterson,
Mr. W. B. Tooth,
Mr. Wild,
Mr. J. Campbell,
Mr. Suttor,
Mr. Hodgson,

Mr. Suttor,	} Tellers.
Mr. Hodgson,	

No. 11.

No. 11.

Motion made and Question put,—That there be granted a sum not exceeding £1,200 for this Service, (being £300 less than the original Estimate.) (Mr. Piddington.)

Committee divided.

Ayes, 9.

Mr. Forster,
Mr. Williamson,
Mr. Gordon,
Mr. Egan,
Mr. Piddington,
Mr. Oakes,
Mr. Dickson,
Mr. Cribb,
Mr. Parkes, } Tellers.

Noes, 23.

Mr. Cowper,
Mr. Robertson,
Mr. G. Macleay,
Mr. R. Tooth,
Mr. Macarthur,
Mr. W. B. Tooth,
Mr. Weekes,
Mr. Jones,
Mr. Taylor,
Mr. Hay,
Mr. Lee,
Mr. Murray,
Mr. Scott,
Mr. Lloyd,
Mr. Hodgson,
Mr. Rotton,
Mr. Cox,
Mr. Smith,
Mr. Paterson,
Mr. Wild,
Mr. J. Campbell,
Mr. Suttor, } Tellers.
Mr. Buckley, }

No. 12.

Original Question put.
Committee divided.

Ayes, 23.

Mr. Cowper,
Mr. Robertson,
Mr. Paterson,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Weekes,
Mr. Murray,
Mr. Cox,
Mr. Tooth,
Mr. Jones,
Mr. Smith,
Mr. Taylor,
Mr. Hodgson,
Mr. Lee,
Mr. Hay,
Mr. Lloyd,
Mr. Suttor,
Mr. W. B. Tooth,
Mr. Scott,
Mr. J. Campbell,
Mr. Buckley,
Mr. Rotton, } Tellers.
Mr. Wild, }

Noes, 9.

Mr. Parkes,
Mr. Williamson,
Mr. Gordon,
Mr. Forster,
Mr. Egan,
Mr. Oakes,
Mr. Piddington,
Mr. Dickson, } Tellers.
Mr. Cribb, }

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 14.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

WEDNESDAY, 21 JULY, 1858.

No 1.

ELECTORAL LAW AMENDMENT BILL, (as amended, down to "Murray, The Lower," inclusive)

Clause 4. The Colony shall be divided into the Electoral Districts named in the first column of the next following Table And such Districts shall severally comprise and consist of the Police Districts and portions of Police Districts set against the respective names of such Electoral Districts in the second column of the same Table.

Argyle	{ The Police District of Goulburn, exclusive of the Electorate of Goulburn.
Bathurst	{ The portion of the Police District of Bathurst, included in the Towns of Bathurst and Kelso.
Bogan, The	The Police Districts of Dubbo and Molong.
Braidwood	The Police District of Braidwood.
Brisbane	{ The portion of the Police District of Brisbane included in the Town of Brisbane.
Burnett, The	{ The Police Districts of Gayndah—Maryborough—Leichhardt and Gladstone.
Camden, West	{ The Police District of Berrima with that portion of the Police District of Camden Narellan and Picton not included in the County of Cumberland
Canterbury	{ The portion of the Metropolitan Police District south of Port Jackson and of the Parramatta Road west of Long Cove south of the Parramatta River and north of Cook's River and not included in the Hamlets.
Carcoar	The Police District of Carcoar.
Narellan	{ The Police District of Campbelltown with the portion of the Police District of Camden Narellan and Picton included in the County of Cumberland.
Clarence, The	The Police Districts of Grafton and Tabulam.
Cudgegong, The ...	The Police District of Mudgee.
Central Cumberland	{ The portion of the Police District of Parramatta and Liverpool not included in the Town of Parramatta or in the Parish of Hunter's Hill.
Darling Downs, The	{ The Police Districts of Warwick—Drayton—Dalby and Condamine.
Eden	The Police Districts of Broulee and Eden.

Glebe, The	{ The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Balmain.
Goulburn	{ The portion of the Police District of Goulburn included in the Town of Goulburn.
Gwydir, The... ..	The Police Districts of Warialda and Wee Waa
Hartley	The Police Districts of Hartley and Rylstone.
Hastings, The	{ The Police Districts of the M'Leay River—Port Macquarie and the Manning.
Hawkesbury, The...	{ The Police District of the M'Donald River and the portion of the Police District of Windsor not included in the Town of Windsor or of Richmond.
Hunter, The	{ The portion of the Maitland Police District bounded on the east by the Paterson River by the road from Lang's Mill to the Maitland and Paterson Road by that road to the north boundary of the Bulwarra Estate and by that boundary easterly to the River Hunter by the River Hunter upward to the west boundary of E. C. Close's Morpeth Grant and by that boundary and the boundary of the Maitland Reserve to the Road from Maitland to Raymond Terrace and on the north by the road from Maitland to Raymond Terrace and not included in the Towns of East and West Maitland or in the Electoral District of Morpeth.
Hunter, The Lower.	The Police District of Raymond Terrace.
Hunter, The Upper.	{ The Police Districts of Merton and Muswellbrook Scone and Cassilis and the portion of the Police District of Murrurundi south-east of the Liverpool Range.
Illawarra	The Police District of Wollongong.
Ipswich	{ The portion of the Police District of Ipswich included in the Town of Ipswich.
Kiama	The Police District of Kiama.
Lachlan, The	The Police District of Binalong.
Liverpool Plains ...	{ The Police District of Tamworth and the portion of the Police District of Murrurundi north-west of the Liverpool Range.
Maitland, East.....	{ The portion of the Police District of Maitland bounded on the north by the Road from Raymond Terrace to Maitland by the east and north boundaries of the East Maitland Reserve and the west boundary of Close's Morpeth Grant to the River Hunter, and by the River Hunter upwards to the confluence of Wallis' Creek and on the west by that creek.
Maitland, West ...	{ The portion of the Police District of Maitland included in the Town of West Maitland.
Monaro	The Police Districts of Cooma and Bombala.
Moreton, East	{ The portion of the Police District of Brisbane not included in the Town of Brisbane.
Moreton, West.....	{ The portion of the Police District of Ipswich not included in the Town of Ipswich.
Morpeth	{ The portion of the Maitland Police District not included in the Electoral Districts of East and West Maitland and the Hunter.
Murray, The Lower	{ The Police Districts of Moulamein—Deniliquin and Moama.
Murray, The Upper	The Police District of Albury.
" Murrumbidgee,	{ The Police Districts of Gundagai and Tumut."
" The	
Nepean, The.....	The Police District of Perith.
" Newcastle	The Police District of Newcastle."
New England	The Police District of Armidale.
Newtown	{ The portion of the Metropolitan Police District included in the Hamlets of Newtown—O'Connell Town—Camperdown and Chippendale.
Paddington	{ The portion of the Metropolitan Police District included in the Hamlets of Paddington Surry Hills and Redfern.
" Parramatta	{ The portion of the Police District of Parramatta and Liverpool included in the Towns of Parramatta and Liverpool."
Paterson, The	The Police District of Paterson.
Patrick's Plains ...	The Police District of Patrick's Plains.
"Queanbeyan, The"	The Police District of Queanbeyan.
" St Leonard's.....	{ The portion of the Metropolitan Police District north of Port Jackson and of the Parramatta Road and not included in the Glebe and Balmain Hamlets."
" St. Vincent	The Police Districts of Braidwood and Broulee."

Shoalhaven	The Police District of Shoalhaven.
' Sydney, North-east	{ The portion of the Police District of Sydney included in Bourke and Macquarie Wards."
"Sydney, South-west	{ The portion of the Police District of Sydney included in Phillip and Denison Wards."
"Sydney, South-east	{ The portion of the Police District of Sydney included in Cook and Fitz Roy Wards."
"Sydney, North-west	{ The portion of the Police District of Sydney included in Gipps and Brisbane Wards."
"Taron, The	{ The portion of the Police District of Bathurst not included in the Town of Bathurst."
"Wellington	The Police Districts of Orange and Wellington."
Williams, The	The Police Districts of Dungog and Port Stephens.
Windsor	{ The portion of the Police District of Windsor included in the Towns of Windsor and Richmond.
Wollombi, The.....	The Police Districts of Gosford and Wollombi.
Yass Plains	The Police District of Yass.

And the boundaries of such Police Districts and portions of Police Districts shall be the now subsisting boundaries as respectively set forth and defined and published under the hand of the Colonial Secretary in the *Gazette* dated the 185 Provided that no Police District of the Colony shall hereafter be altered without the authority of Parliament.

No. 1.

The Clause having been further amended, as follows:—

- (1) *Murrumbidgee, The—The Police District of Gundagai North of the Murrumbidgee River. (Mr. Hay.)*
- (2) *Tamut, The—The Police District of Tamut, and that portion of the Police District of Gundagai, South of the Murrumbidgee River. (Mr. Hay.)*
- (3) *Newcastle—The portion of the Police District of Newcastle included in the City of Newcastle (Mr. Cowper.)*
- (4) *Tenterfield,—The Police Districts of Wellingrove and Tenterfield. (Mr. Cowper.)*
- (5) *Northumberland—The portion of the Police District of Newcastle not included in the City of Newcastle. (Mr. Cowper.)*
- (6) *Parramatta—The portion of the Police District of Parramatta and Liverpool included in the Town of Parramatta. (Mr. Cowper.)*
- (7) *Queanbeyan, The—Altered to "Queanbeyan." (Mr. Smith.)*
- (8) *St. Leonard's—The portion of the Metropolitan Police District north of Port Jackson, and that portion of the Parramatta and Liverpool Police District included in the Parish of Hunter's Hill. (Mr. Cowper.)*
- (9) *St. Vincent—The Electorate expunged. (Mr. Cowper.)*

And the Title of the Electorate—"Sydney North-East"—having been altered to "Sydney East." (Mr. Cowper.)

And a Question having been proposed and withdrawn,—That the Clause be further amended in the title of the Electorate of "Sydney East," by the omission of the word "East" (with a view to the insertion in its place of the words "Bourke Ward," and to further alterations having reference to a plan for dividing the City into eight Electorates.) (Mr. Thornton.)

Question proposed,—That the Clause be further amended in the definition of the Electorate of "Sydney East," by the omission of the word "and," with a view to the insertion, after the word "Macquarie," of the words "Cook and "Fitz Roy," (having reference to a plan for dividing the City into two Electorates only.) (Mr. Owen.)

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

Committee divided.

Ayes, 18.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Gordon,
Mr. Jones,
Mr. Weekes,
Mr. Forster,
Mr. Scott,
Mr. Williamson,
Mr. Byrnes,
Mr. Egan,
Mr. Marks,
Mr. Oakes,
Mr. Dickson,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Parkes, } Tellers.
Mr. Thornton, }

Noes, 23.

Mr. Jenkins,
Mr. G. Macleay,
Mr. Rotton,
Mr. Paterson,
Mr. Wild,
Mr. Lee,
Mr. Lord,
Mr. Taylor,
Mr. White,
Mr. Cox,
Mr. Jamison,
Mr. Hodgson,
Mr. Denichy,
Mr. Buckley,
Mr. Richardson,
Mr. W. B. Tooth,
Mr. Macarthur,
Mr. Hay,
Mr. Smith,
Mr. Piddington,
Mr. Owen,
Mr. Sutter, } Tellers.
Mr. W. Macleay, }

No. 2.

No. 2.

Question put,—That the words “Cook and Fitz Roy,” proposed to be inserted, be so inserted.

Committee divided.

Ayes, 23.

Mr. Paterson,
Mr. Jenkins,
Mr. Wild,
Mr. W. Macleay,
Mr. G. Macleay,
Mr. Smith,
Mr. Richardson,
Mr. W. B. Tooth,
Mr. Taylor,
Mr. Lee,
Mr. Denichy,
Mr. Hodgson,
Mr. Jamison,
Mr. Hay,
Mr. Cox,
Mr. Macarthur,
Mr. Lord,
Mr. White,
Mr. Buckley,
Mr. Suttor,
Mr. Piddington,
Mr. Rotton, } Tellers.
Mr. Owen, }

Noes, 18.

Mr. R. Campbell,
Mr. Cowper,
Mr. Robertson,
Mr. Thornton,
Mr. Gordon,
Dr. Aldcorn,
Mr. Marks,
Mr. Parkes,
Mr. Weekes,
Mr. Jones,
Mr. Forster,
Mr. Egan,
Mr. Scott,
Mr. Williamson,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Oakes, } Tellers.
Mr. Dickson, }

(The Electorate, as so amended, reading as follows:—“Sydney, East—The portion of the Police District of Sydney included in Bourke, Macquarie, “Cook, and Fitz Roy Wards.”)

No. 3

The Electorate of “Sydney, South-west” having been amended, so as to read as follows:—“Sydney, West—The portion of the Police District of Sydney, “included in Gipps, Brisbane, Phillip, and Denison Wards”; and the Electorates of “Sydney, South-east” and “Sydney, North-west” having been expunged. (Mr. Owen.)

And the Clause having been further amended as follows:—

(1.) Macquarie, West (originally “Turon, The”)—The portion of the Police District of Bathurst included in the Counties of Bathurst and Georgiana, and not included in the Town of Bathurst. (Mr. Suttor.)

(2.) Macquarie, East—The portion of the Police District of Bathurst, contained in the Counties of Roxburgh and Westmoreland, and not included in the Town of Kelso. (Mr. Suttor.)

Question proposed,—That the Clause be further amended in the definition of the Electorate of “Wellington,” by the omission of the words “Orange and,” with a view to the addition after the word “Wellington,” of the words “and that portion of the Police District of Molong included in the watershed of “the Bell River.” (Mr. Cox.)

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

Committee divided.

Ayes, 19.

Mr. Cowper,
Mr. Martin,
Mr. Dalley,
Mr. Robertson,
Mr. R. Campbell,
Mr. Weekes,
Mr. Byrnes,
Mr. Piddington,
Mr. White,
Mr. Scott,
Mr. Parkes,
Mr. Williamson,
Mr. Oakes,
Mr. Egan,
Mr. Dickson,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Marks, } Tellers.
Mr. Gordon, }

Noes, 21.

Mr. Donaldson,
Mr. W. Macleay,
Mr. Suttor,
Mr. Cox,
Mr. G. Macleay,
Mr. Hodgson,
Mr. Forster,
Mr. Jones,
Mr. Lord,
Mr. Taylor,
Mr. Lee,
Mr. Macarthur,
Mr. Jamison,
Mr. Buckley,
Mr. Paterson,
Mr. Smith,
Mr. Wild,
Mr. W. B. Tooth,
Mr. Jenkins,
Mr. Rotton, } Tellers.
Mr. Hay, }

Question,—That the words proposed to be added, be so added—put and carried. (The Electorate, as so amended, (with the formal alteration of “Districts into District,”) reading as follows:—The Police District of Wellington, and that portion of the Police District of Molong included in the Watershed of the Bell River.)

The following new Electorate having been inserted,—“Orange—The Police District “of Orange”;—(Mr. Cox.)

And

And all the words after the Electorate of "Yass Plains" having been omitted—
 Clause, as amended, so as to read thus—carried. (Mr. Cooper):—
 4. The Colony shall be divided into the Electoral Districts named in the first
 column of the next following Table And such Districts shall severally com-
 prise and consist of the Police Districts and portions of Police Districts set
 against the respective names of such Electoral Districts in the second column
 of the same Table.

Argyle	{ The Police District of Goulburn exclusive of the Elec- torate of Goulburn
Bathurst	{ The portion of the Police District of Bathurst included in the Towns of Bathurst and Kiso.
Bogan, The	{ The Police Districts of Dubbo and Molong.
Braidwood	{ The Police District of Braidwood.
Brisbane	{ The portion of the Police District of Brisbane included in the Town of Brisbane.
Burnett, The	{ The Police Districts of Gayndah—Maryborough— Leichhardt and Gladstone.
Camden, West	{ The Police District of Berrima with that portion of the Police District of Camden Nowellan and Picton not included in the County of Cumberland.
Canterbury	{ The portion of the Metropolitan Police District south of Port Jackson and of the Parramatta Road west of Long Cove south of the Parramatta River and north of Cook's River and not included in the Hamlets.
Carcoar	{ The Police District of Carcoar.
Narellan	{ The Police District of Campbelltown with the portion of the Police District of Camden Narellan and Picton included in the County of Cumberland.
Clarence, The	{ The Police Districts of Grafton and Tabulam.
Cudjiegong, The ..	{ The Police District of Mudgee.
Central Cumberland	{ The portion of the Police District of Parramatta and Liverpool not included in the Town of Parramatta or in the Parish of Hunter's Hill.
Darling Downs, The	{ The Police Districts of Warwick—Drayton—Dalby and Condamine.
Eden	{ The Police Districts of Broulee and Eden.
Glebe, The	{ The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Balmain.
Goulburn	{ The portion of the Police District of Goulburn included in the Town of Goulburn.
Gwydir, The	{ The Police Districts of Warialda and Wie Waa.
Hartley	{ The Police Districts of Hartley and Rylstone.
Hastings, The	{ The Police Districts of the McLeay River—Port Mac- quarie and the Manning.
Hawkesbury, The..	{ The Police District of the McDonald River and the portion of the Police District of Windsor not in- cluded in the Town of Windsor or of Richmond.
Hunter, The	{ The portion of the Maitland Police District bounded on the east by the Paterson River by the road from Lang's Mill to the Maitland and Paterson Road by that road to the north boundary of the Bulwarra Estate and by that boundary easterly to the River Hunter by the River Hunter upward to the west boundary of E. C. Close's Morpeth grant, and by that boundary and the boundary of the Maitland Reserve to the road from Maitland to Raymond Terrace and on the north by the road from Maitland to Raymond Terrace and not included in the Towns of East and West Maitland or in the Electoral District of Morpeth.
Hunter, The Lower	{ The Police District of Raymond Terrace.
Hunter, The Upper	{ The Police Districts of Merton and Muswellbrook Scone and Cassilis and the portion of the Police Dis- trict of Murrurundi south-east of the Liverpool Range.
Illawarra	{ The Police District of Wollongong.
Ipswich	{ The portion of the Police District of Ipswich included in the Town of Ipswich.
Kiama	{ The Police District of Kiama.
Lachlan, The	{ The Police District of Binalong.
Liverpool Plains ...	{ The Police District of Tamworth and the portion of the Police District of Murrurundi north-west of the Liverpool Range.
Maitland, East ...	{ The portion of the Police District of Maitland bounded on the north by the Road from Raymond Terrace to Maitland by the east and north boundaries of the East Maitland Reserve and the west boundary of Close's Morpeth Grant to the River Hunter and by the River Hunter upwards to the confluence of Wallis' Creek and on the west by that creek.

Maitland, West ...	{ The portion of the Police District of Maitland included in the Town of West Maitland.
Monaro.....	The Police Districts of Cooma and Bombala.
Moreton, East	{ The portion of the Police District of Brisbane not included in the Town of Brisbane.
Moreton, West	{ The portion of the Police District of Ipswich not included in the Town of Ipswich.
Morpeth	{ The portion of the Maitland Police District not included in the Electoral Districts of East and West Maitland and the Hunter.
Murray, The Lower	{ The Police Districts of Moulamein Deniliquin and Moama.
Murray, The Upper	The Police District of Albury.
Murrumbidgee, The	{ The Police District of Wagga Wagga and that portion of the Police District of Gundagai north of the Murrumbidgee River.
Tumut, The.....	{ The Police District of Tumut and that portion of the Police District of Gundagai south of the Murrumbidgee River.
Nepean, The	The Police District of Penrith.
Newcastle... ..	{ The portion of the Police District of Newcastle included in the City of Newcastle.
New England	The Police District of Armidale.
Tenterfield	The Police Districts of Wellingrove and Tenterfield.
Newtown	{ The portion of the Metropolitan Police District included in the Hamlets of Newtown—O'Connell Town—Camperdown and Chippendale.
Northumberland...	{ The portion of the Police District of Newcastle not included in the City of Newcastle.
Paddington	{ The portion of the Metropolitan Police District included in the Hamlets of Paddington—Surry Hills and Redfern.
Parramatta	{ The portion of the Police District of Parramatta and Liverpool included in the Town of Parramatta.
Paterson, The	The Police District of Paterson.
Patrick's Plains ...	The Police District of Patrick's Plains.
Queanbeyan.....	The Police District of Queanbeyan.
St. Leonard's	{ The portion of the Metropolitan Police District north of Port Jackson and that portion of the Parramatta and Liverpool Police District included in the Parish of Hunter's Hill.
Shoalhaven	The Police District of Shoalhaven.
Sydney, East	{ The portion of the Police District of Sydney included in Bourke Macquarie Cook and Fitzroy Wards.
Sydney, West	{ The portion of the Police District of Sydney included in Gipps Brisbane Phillip and Denison Wards.
Macquarie, West ..	{ The portion of the Police District of Bathurst included in the Counties of Bathurst and Georgiana and not included in the Town of Bathurst.
Macquarie, East ...	{ The portion of the Police District of Bathurst contained in the Counties of Roxburgh and Westmoreland and not included in the Town of Kato.
Wellington	{ The Police District of Wellington and that portion of the Police District of Molong included in the Watershed of the Bell River.
Orange.....	The Police District of Orange.
Williams, The	The Police Districts of Dungog and Port Stephens.
Windsor	{ The portion of the Police District of Windsor, included in the Towns of Windsor and Richmond.
Wollombi, The.....	The Police Districts of Gosford and Wollombi.
Yass Plains	The Police District of Yass.

THURSDAY, 22 JULY, 1858.

No. 4.

SAME BILL.

Motion made and Question put,—That the following new Clause stand part of the Bill, to follow Clause 4 as printed:—

5. The Gold Fields shall also be divided into and shall constitute three several Electoral Districts under the following names and shall severally comprise all the Gold Fields already or hereafter proclaimed within the other Electoral Districts next hereinafter set against such names respectively.

Gold Fields South	{ Argyle—Braidwood—Camden West—Eden—Illawarra Kiama—The Lachlan—The Monaro—The Upper Murray—The Lower Murray—The Murrumbidgee— Narellan—The Queanbeyan—Shoalhaven—The Tu- mut—and Yass Plains.
Gold Fields West	{ The Bogan—Carcoar—The Cudgegong—Hartley—The Hawkesbury—Macquarie East—Macquarie West— The Nepean—Orange—and Wellington.
Gold Fields North	{ The Burnett—The Clarence—The Darling Downs— The Gwydir—The Hastings—The Hunter—The Lower Hunter—The Upper Hunter—Liverpool Plains— Moreton East—Moreton West—Morpeth—Newcastle— New England—Northumberland—The Paterson— Patrick's Plains—Tenterfield—The Williams—and The Wollombi.

Providing that the constituting of such Gold Fields Electoral Districts shall in no respect interfere with or affect the boundaries of any other Electoral District set forth in this Act nor the right to vote—except as hereinafter specified—of any person within and for any such other Electoral District. (*Mr. Parkes.*)

Committee divided.

Ayes, 23.

Mr. Byrnes,
Mr. Jenkins,
Mr. G. Macleay,
Mr. Wild,
Mr. Rotton,
Mr. Marks,
Mr. Suttor,
Mr. Egan,
Mr. Scott,
Mr. Dalley,
Mr. White,
Mr. Lee,
Mr. Taylor,
Mr. Cox,
Mr. Lord,
Mr. W. Macleay,
Mr. W. B. Tooth,
Mr. Hay,
Mr. Jones,
Mr. Dickson,
Dr. Aldcorn,
Mr. Thornton, } Tellers.
Mr. Parkes,

Noes, 10.

Mr. Cowper,
Mr. Robertson,
Mr. Richardson,
Mr. Förster,
Mr. Williamson,
Mr. Piddington,
Mr. J. Campbell,
Mr. R. Campbell,
Mr. Oakes, } Tellers.
Mr. Gordon,

No. 5.

New Clause substituted, *by consent*, for Clause 5 as printed:—

7. The Electoral District of Sydney West shall return "five" Members Sydney East "four" Members The Electoral Districts of West Camden "Canterbury" "Central Cumberland" The Hawkesbury and Parramatta shall respectively return two Members And all the other Electoral Districts shall respectively return one Member to serve in the Assembly,—*Read.*

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

1st Amendment proposed,—That the word "five" (*in the Electorate of Sydney West*) be omitted, with a view to the insertion in its place of the word "three." (*Mr. Smith.*)

2nd Amendment proposed,—That the word "four" be inserted in the place of the word proposed to be omitted. (*Mr. Buckley.*)

And a discussion having arisen upon the Chairman's opinion given on a point of Order which had been submitted to him, respecting certain words used by an Honorable Member in Debate.

Motion made and Question put,—That the Chairman now leave the Chair and report the point of Order to the House.

Committee

Committee divided.

Ayes, 15.

Mr. Suttor,
Mr. Paterson,
Mr. Hay,
Mr. W. B. Tooth,
Mr. Smith,
Mr. Donaldson,
Mr. Macarthur,
Mr. Williamson,
Mr. G. Macleay,
Mr. W. Macleay,
Mr. Cox,
Mr. Jenkins,
Mr. Owen,
Mr. R. Tooth, } Tellers.
Mr. Wild, }

Noes, 19.

Mr. Cowper,
Mr. Scott,
Mr. Parkes,
Dr. Aldcorn,
Mr. Rotton,
Mr. Weekes,
Mr. Byrnes,
Mr. White,
Mr. Forster,
Mr. Marks,
Mr. Buckley,
Mr. Richardson,
Mr. Oakes,
Mr. Dickson,
Mr. J. Campbell,
Mr. Egan,
Mr. Gordon,
Mr. Jones, } Tellers.
Mr. Dalley, }

No. 6.

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

Committee divided.

Ayes, 18.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Williamson,
Mr. Thornton,
Mr. Jones,
Mr. Oakes,
Mr. Weekes,
Mr. Scott,
Mr. Dalley,
Mr. Marks,
Mr. Gordon,
Mr. Dickson,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Byrnes, } Tellers.
Mr. Parkes, }

Noes, 25.

Mr. G. Macleay,
Mr. Hay,
Mr. W. B. Tooth,
Mr. Macarthur,
Mr. Smith,
Mr. Forster,
Mr. Richardson,
Mr. Suttor,
Mr. Wild,
Mr. Hodgson,
Mr. Piddington,
Mr. Paterson,
Mr. Owen,
Mr. Lord,
Mr. Cox,
Mr. Jamison,
Mr. Lee,
Mr. W. Macleay,
Mr. White,
Mr. Taylor,
Mr. Buckley,
Mr. Egan,
Mr. Jenkins,
Mr. Rotton, } Tellers.
Mr. Donaldson, }

No. 7.

Question put,—That the word "three" proposed to be inserted in the place of the word omitted, be so inserted.

Committee divided.

Ayes, 16.

Mr. G. Macleay,
Mr. Donaldson,
Mr. Paterson,
Mr. Smith,
Mr. Owen,
Mr. Wild,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Taylor,
Mr. White,
Mr. Lord,
Mr. Piddington,
Mr. Cox,
Mr. Jamison,
Mr. Rotton, } Tellers.
Mr. Jenkins, }

Noes, 27.

Mr. Martin,
Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Dr. Aldcorn,
Mr. Scott,
Mr. Parkes,
Mr. Buckley,
Mr. Forster,
Mr. Richardson,
Mr. Weekes,
Mr. Jones,
Mr. Gordon,
Mr. Lee,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Marks,
Mr. Suttor,
Mr. Hodgson,
Mr. Hay,
Mr. W. B. Tooth,
Mr. Egan,
Mr. Oakes,
Mr. Dalley,
Mr. Thornton,
Mr. Dickson, } Tellers.
Mr. Williamson, }

Question—That the word "four" be inserted—put and carried.

No. 8.

No. 8.

3rd Amendment proposed,—That the word "four" (*in the Electorate of Sydney East*) be omitted, with a view to the insertion in its place of the word "three." (*Mr. Donalds n.*)

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

Committee divided.

Ayes, 32.

Noes, 11.

- Mr. Cowper,
- Mr. Martin,
- Mr. R. Campbell,
- Mr. Robertson,
- Mr. Byrnes,
- Mr. Richardson,
- Mr. Hodgson,
- Mr. Marks,
- Mr. Dalley,
- Mr. Oakes,
- Mr. Jones,
- Mr. Lee,
- Mr. Piddington,
- Mr. Taylor,
- Mr. Macarthur
- Mr. Scott,
- Mr. Weekes,
- Mr. Owen,
- Mr. Thornton,
- Mr. Forster,
- Mr. Egan,
- Mr. W. B. Tooth,
- Mr. Smith,
- Mr. Hay,
- Mr. Buckley,
- Mr. Gordon,
- Mr. Parkes,
- Mr. Dickson,
- Dr. Aldcorn,
- Mr. J. Campbell,
- Mr. Suttor,
- Mr. Williamson, } Tellers.

- Mr. W. Macleay,
- Mr. Rotton,
- Mr. Jenkins,
- Mr. Cox,
- Mr. Lord,
- Mr. Jamison,
- Mr. White,
- Mr. Paterson,
- Mr. Wild,
- Mr. Donaldson,
- Mr. G. Macleay, } Tellers.

No. 9.

4th Amendment proposed—and Question put,—That, before the words "West "Camden," the word "Bathurst" be inserted. (*Mr. Rotton.*)

Committee divided.

Ayes, 18.

Noes, 22.

- Mr. Byrnes,
- Mr. Dickson,
- Mr. W. Macleay,
- Mr. G. Macleay,
- Mr. Lee,
- Mr. Donaldson,
- Mr. White,
- Mr. Taylor,
- Mr. Paterson,
- Mr. Wild,
- Mr. W. B. Tooth,
- Mr. Suttor,
- Mr. Lord,
- Mr. Smith,
- Mr. Hay,
- Mr. Hodgson,
- Mr. Rotton,
- Mr. Owen, } Tellers.

- Mr. Martin,
- Mr. Cowper,
- Mr. R. Campbell,
- Mr. Robertson,
- Dr. Aldcorn,
- Mr. Marks,
- Mr. Richardson,
- Mr. Dalley,
- Mr. Weekes,
- Mr. Forster,
- Mr. Jones,
- Mr. Williamson,
- Mr. Oakes,
- Mr. Piddington,
- Mr. Egan,
- Mr. Jenkins,
- Mr. Macarthur,
- Mr. Scott,
- Mr. Parkes,
- Mr. J. Campbell,
- Mr. Gordon,
- Mr. Buckley, } Tellers.

No. 10.

5th Amendment proposed,—That the word "Canterbury" be omitted. (*Mr. Jones.*)

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

Committee divided.

Ayes, 21.

Noes, 18.

- Mr. Cowper,
- Mr. Martin,
- Mr. R. Campbell,
- Mr. Robertson,
- Mr. Oakes,
- Mr. Marks,
- Mr. Scott,
- Mr. Buckley,
- Mr. Weekes,
- Mr. Lee,
- Mr. Forster,
- Mr. Owen,
- Mr. Dickson,
- Mr. Egan,
- Mr. Gordon,
- Mr. Dalley,
- Mr. Richardson,
- Dr. Aldcorn,
- Mr. J. Campbell,
- Mr. Byrnes,
- Mr. Parkes, } Tellers.

- Mr. Suttor,
- Mr. Jones,
- Mr. Macarthur,
- Mr. Jenkins,
- Mr. Wild,
- Mr. Hay,
- Mr. W. Macleay,
- Mr. W. B. Tooth,
- Mr. G. Macleay,
- Mr. Hodgson,
- Mr. Rotton,
- Mr. Smith,
- Mr. Taylor,
- Mr. White,
- Mr. Piddington,
- Mr. Paterson,
- Mr. Cox,
- Mr. Donaldson, } Tellers.

And the Committee having continued to sit till after midnight:—

FRIDAY, 23 JULY, 1858, A. M.

No. 11.

6th Amendment proposed—and Question put—That, after the words "Central Cumberland," the words "Darling Downs" be inserted. (*Mr. Hodgson*)
Committee divided.

Ayes, 20.

Mr. W. Macleay,
Mr. Hodgson,
Mr. Hay,
Mr. W. B. Tooth,
Mr. G. Macleay,
Mr. Wild,
Mr. Smith,
Mr. Owen,
Mr. Cox,
Mr. Taylor,
Mr. Lee,
Mr. White,
Mr. Jenkins,
Mr. Egan,
Mr. Richardson,
Mr. Dickson,
Mr. Suttor,
Mr. Donaldson,
Mr. Paterson, } Tellers.
Mr. Buckley, }

Noes, 17.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Dr. Aldcorn,
Mr. Gordon,
Mr. Rotton,
Mr. Weekes,
Mr. Forster,
Mr. Marks,
Mr. Piddington,
Mr. Oakes,
Mr. Scott,
Mr. Byrnes,
Mr. J. Campbell,
Mr. Jones, } Tellers.
Mr. Parkes, }

7th Amendment proposed—That, after the words "The Hawkesbury," the words "The Hunter" be inserted. (*Mr. Dickson*)
Progress report—to sit again.

FRIDAY, 23 JULY, 1858, P. M.

No. 12.

SAME BILL—Same Clause.

Question put—(on 7th Amendment) That, after the words "The Hawkesbury" the words "The Hunter" be inserted.
Committee divided.

Ayes, 14.

Dr. Aldcorn,
Mr. Scott,
Mr. Piddington,
Mr. Weekes,
Mr. Hodgson,
Mr. White,
Mr. Cox,
Mr. W. Macleay,
Mr. Thornton,
Mr. Owen,
Mr. Rotton,
Mr. Taylor,
Mr. Dickson, } Tellers.
Mr. Jenkins, }

Noes, 19.

Mr. Cowper,
• Mr. Campbell,
Mr. Suttor,
Mr. W. B. Tooth,
Mr. Forster,
Mr. Hay,
Mr. Lord,
Mr. Richardson,
Mr. G. Macleay,
Mr. Egan,
Mr. Lee,
Mr. Oakes,
Mr. Macarthur,
Mr. Wild,
Mr. Paterson,
Mr. Byrnes,
Mr. Smith,
Mr. Marks, } Tellers.
Mr. Robertson, }

• So in Tellers' List.

No. 13.

8th Amendment proposed—and Question put,—That, after the words "The Hawkesbury," the word "Illawarra" be inserted. (*Mr. Owen*)

Committee divided.

Ayes, 15.

Mr. Jenkins,
Dr. Aldcorn,
Mr. Owen,
Mr. Hodgson,
Mr. Hay,
Mr. Rotton,
Mr. G. Macleay,
Mr. Cox,
Mr. Taylor,
Mr. W. Macleay,
Mr. White,
Mr. Piddington,
Mr. Buckley,
Mr. Marks, } Tellers.
Mr. Byrnes, }

Noes, 19.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Macarthur,
Mr. W. B. Tooth,
Mr. Forster,
Mr. Suttor,
Mr. Richardson,
Mr. Weekes,
Mr. Lord,
Mr. Lee,
Mr. Egan,
Mr. Oakes,
Mr. Parkes,
Mr. Wild,
Mr. Paterson,
Mr. Arnold,
Mr. Smith, } Tellers.
Mr. Scott, }

9th Amendment proposed—and Question put and carried,—That, after the words "The Hawkesbury," the words "Macquarie East" be inserted. (*Mr. Suttor*)

No. 14.

No. 14.

10th Amendment proposed—and Question put,—That, after the words “Macquarie East,” as so inserted, the words “New England” be added. (*Mr. Taylor.*)

Committee divided.

Ayes, 12.

Mr. Hodgson,
Mr. Wild,
Mr. Paterson,
Mr. Owen,
Mr. Taylor,
Mr. White,
Mr. Cox,
Mr. W. Macleay,
Mr. Hay,
Mr. G. Macleay,
Mr. Jenkins, } Tellers.
Mr. Buckley, }

Noes, 19.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Smith,
Mr. W. B. Tooth,
Mr. Forster,
Mr. Macarthur,
Mr. Rotton,
Mr. Weekes,
Mr. Lord,
Mr. Egan,
Mr. Lee,
Mr. Oakes,
Mr. Richardson,
Mr. Suttor,
Mr. Byrnes,
Mr. Arnold,
Mr. Scott, } Tellers.
Mr. Parkes, }

Another Amendment, for the insertion of the word “Cudgegong” after the words “Macquarie East” (Mr. Cox), having been rejected as being out of order.

Clause, as amended, carried, so as to read thus (Mr. Cowper):—

7. *The Electoral District of Sydney West shall return four Members Sydney East four Members The Electoral Districts of West Camden Canterbury Central Cumberland Darling Downs The Hawkesbury Macquarie East and Parramatta shall respectively return two Members And all the other Electoral Districts shall respectively return one Member to serve in the Assembly.*
-

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 15.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 27 JULY, 1858.

No. 1.

MUNICIPALITIES BILL.

Clause 1. (*as amended*) Any City Town or Hamlet now or hereafter established "or any Rural District" may as hereinafter provided be constituted a Municipality—*Read*.

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

Amendment proposed—That the words "or any Rural District" be omitted. (*Mr. Hay*.)

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

Committee divided.

Ayes, 13.

Mr. Martin,
Mr. Parkes,
Mr. Marks,
Mr. Forster,
Mr. Donaldson,
Mr. Jenkins,
Mr. Lee,
Mr. Cox,
Mr. White,
Mr. J. Campbell,
Mr. Denihy,
Mr. R. Campbell, } Tellers.
Mr. Cowper,

Noes, 9.

Mr. Smith,
Mr. W. Macleay,
Mr. Rotton,
Mr. Wild,
Mr. R. Tooth,
Mr. Owen,
Mr. Taylor,
Mr. W. B. Tooth, } Tellers.
Mr. Hay,

Original Question put and carried.

No. 2.

Clause 2. The Governor with the advice of the Executive Council may on the receipt of a Petition signed by not fewer than *fifty* "persons named in any "Electoral Roll for or" within any such "City Town" "or Rural District" praying that the same may be declared a Municipality under this Act and stating the number of the inhabitants thereof cause the substance and prayer of such petition to be published in the *Government Gazette* And unless a counter petition signed by a greater number of persons so named as aforesaid be received by the Colonial Secretary within three months from the date of such publication the Governor with the advice aforesaid may by proclamation published in like manner declare such City or Town or such Rural District to be a Municipality by a name to be mentioned in such proclamation And may also by the same or any other proclamation define the limits and boundaries thereof And upon such publication the Municipality shall be constituted accordingly.

Question proposed—That the Clause be amended by the omission of the words "persons named in any Electoral Roll for or," with a view to the insertion in their place of the words "householders resident." (*Mr. Cowper*.)

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

And the Tellers reporting the numbers as follows :—

Ayes, 2.	Noes, 16.
Mr. Denichy, } Tellers.	Mr. Cowper,
Mr. Forster, }	Mr. Martin,
	Mr. Jenkins,
	Mr. Parkes,
	Mr. Dalley,
	Mr. Smith,
	Mr. Owen,
	Mr. Suttor,
	Mr. Cox,
	Mr. Marks,
	Mr. Lee,
	Mr. White,
	Mr. Taylor,
	Mr. J. Campbell,
	Mr. Tooth, } Tellers.
	Mr. Rotton, }

And it appearing by the said report that there was not a Quorum of Members present ;—

The Chairman left the Chair to report the same to the House.

* * * * *

Committee resumed—Question put and negatived.

No. 3.

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

Committee divided.

Ayes, 17.	Noes, 3.
Mr. Cowper,	Mr. Marks,
Mr. Martin,	Mr. Forster, } Tellers.
Mr. Jenkins,	Mr. Denichy, }
Mr. Paterson,	
Mr. Cox,	
Mr. W. B. Tooth,	
Mr. Smith,	
Mr. Hay,	
Mr. Lloyd,	
Mr. Lee,	
Mr. White,	
Mr. Suttor,	
Mr. J. Campbell,	
Mr. R. Tooth,	
Sir Daniel Cooper,	
Mr. Rotton, } Tellers.	
Mr. Parkes, }	

Further amendment proposed—That the words " or Rural District " be omitted (Mr. Hay.)

Progress report—to sit again. (Mr. Cowper.)

WEDNESDAY, 28 JULY, 1858.

No. 4.

SAME BILL—Same Clause

Question put—(on Mr. Hay's proposed further amendment)—That the words " or Rural District," proposed to be omitted, stand part of the Clause.

Committee divided.

Ayes, 17.	Noes, 13.
Mr. Cowper,	Mr. R. Tooth,
Mr. R. Campbell,	Mr. Rotton,
Mr. Byrnes,	Mr. Owen,
Mr. Robertson,	Mr. Thornton,
Mr. Dalley,	Mr. Taylor,
Mr. Forster,	Mr. Paterson,
Mr. Richardson,	Mr. Lloyd,
Mr. Jenkins,	Mr. Macarthur,
Mr. Suttor,	Mr. White,
Mr. Cox,	Mr. Wild,
Mr. Lee,	Mr. W. B. Tooth,
Mr. Egan,	Mr. W. Macleay, } Tellers.
Mr. Oakes,	Mr. Hay,
Mr. Marks,	
Mr. J. Campbell,	
Mr. Piddington, } Tellers.	
Mr. Parkes, }	

Clause further amended by the insertion of the word " Hamlet " after " City Town " ; and, as so amended, carried. (Mr. Cowper.)

No. 5.

Clause 9. All persons named on any Electoral Roll for the time being within or for any such Municipality for any qualification not being that of salary lodging or board and lodging shall be and be deemed electors of such Municipality at the first election and for all future elections all such persons being also rate-payers as hereinafter mentioned shall be and be deemed to be electors thereof.

The

The Clause having been amended by the omission of the words in *Italic*. (Mr. Cowper.)

Motion made and Question put,—That the Clause be further amended, by the insertion, in the place of the words omitted, of the words "having a freehold leasehold or household qualification." (Mr. Cowper.)

Committee divided.

Ayes, 25.

Noes, 4.

Mr. Cowper,
 Mr. Martin,
 Mr. Dalley,
 Mr. Rotton,
 Mr. Piddington,
 Mr. Owen,
 Mr. Macarthur,
 Mr. Jenkins,
 Mr. Lee,
 Mr. Smith,
 Mr. Cox,
 Mr. Jamison,
 Mr. R. Tooth,
 Mr. Hay,
 Mr. Wild,
 Mr. Paterson,
 Mr. Richardson,
 Mr. Oakes,
 Mr. Marks,
 Mr. Suttor,
 Mr. J. Campbell,
 Mr. Byrnes,
 Mr. Thornton,
 Mr. White,
 Mr. Williamson, } Tellers.

Mr. B. Campbell,
 Mr. Robertson,
 Mr. W. B. Tooth, } Tellers.
 Mr. Forster,

Clause, as so amended, carried. (Mr. Cowper.)

No. 6.

Clause 11. On a day to be notified by the Governor with the like advice for each such Municipality within three months after its incorporation and twice published in the *Gazette* and once in some local newspaper nearest thereto such day not being less than *twenty* days nor more than *forty* days from the date of such first publication and on the first Tuesday in February in every succeeding year the Returning Officer—who at the first election shall be named in the same notice and at every subsequent election shall be the Chairman—shall preside at a meeting of electors to be holden at noon in the Court House or Town Hall or some other place fixed for the purpose by public notice And at such meeting any electors may nominate any other electors as candidates for election as Councillors,—*Read*.

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

Motion made and Question put,—That the further consideration of this Clause be postponed. (Mr. Smith.)

Committee divided.

Ayes, 11.

Noes, 12.

Mr. W. B. Tooth,
 Mr. Cox,
 Mr. Williamson,
 Mr. Owen,
 Mr. Suttor,
 Mr. Macarthur,
 Mr. Jenkins,
 Mr. Wild,
 Mr. Thornton,
 Mr. Hay,
 Mr. Smith, } Tellers.

Mr. Martin,
 Mr. Cowper,
 Mr. Robertson,
 Mr. Rotton,
 Mr. Richardson,
 Mr. Lee,
 Mr. Forster,
 Mr. Jamison,
 Mr. White,
 Mr. J. Campbell,
 Mr. Byrnes, } Tellers.
 Mr. Oakes,

No. 7.

Original Question put.

Committee divided.

And the Tellers reporting the numbers as follows :—

Ayes, 12.

Noes, 7.

Mr. Cowper,
 Mr. R. Campbell,
 Mr. Martin,
 Mr. Robertson,
 Mr. Thornton,
 Mr. White,
 Mr. J. Campbell,
 Mr. Oakes,
 Mr. Forster,
 Mr. Jenkins,
 Mr. Byrnes, } Tellers.
 Mr. Marks,

Mr. Suttor,
 Mr. R. Tooth,
 Mr. Williamson,
 Mr. W. B. Tooth,
 Mr. Cox,
 Mr. Hay, } Tellers.
 Mr. Smith,

And it appearing by the said report that there was not a Quorum of Members present ;—

The Chairman left the Chair to report the same to the House.

* * * * *

Committee resumed—Question put and Carried.

No. 8.

No. 8.

12. If at such meeting as aforesaid no more candidates be nominated than the number of Councillors to be elected the Returning Officer shall declare the candidates nominated to be duly elected. And in the event of there being more candidates nominated than the number to be elected the Returning Officer shall call for a show of hands for each candidate separately and thereafter shall declare upon which candidates the election has fallen and such candidates shall be elected accordingly. Unless a poll be demanded by any candidate or by any four electors on his behalf in which case an election "by ballot" shall be holden as hereinafter provided,—*Read.*

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

Amendment proposed,—That the words "by ballot" be omitted. (*Mr Forster.*)

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

Committee divided.

Ayes, 18.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. Williamson,
Mr. Jenkins,
Mr. Marks,
Mr. Richardson,
Mr. Lee,
Mr. R. Tooth,
Mr. Suttor,
Mr. Byrnes,
Mr. Oakes,
Mr. J. Campbell,
Mr. White,
Mr. Cox,
Mr. W. B. Tooth,
Mr. Smith, } Tellers.
Mr. Owen, }

Noes, 3.

Mr. R. Campbell,
Mr. Thornton, } Tellers.
Mr. Forster, }

Original question put and carried.

THURSDAY, 29 JULY, 1858.

No. 9.

SUPPLY—ESTIMATES FOR 1858. •

(DEPARTMENT OF LANDS AND PUBLIC WORKS, AS SUBSTITUTED BY MESSAGE No. 11.)

(*Railway Establishment—resumed.*)

A vote having been come to, for £8,040, in completion of the grant of £9,540, for the Salaries of this Establishment as estimated. (Mr. Robertson.)

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

Committee divided.

Ayes, 16.

Mr. G. Macleay,
Mr. Hay,
Mr. Paterson,
Mr. Cox,
Mr. Jenkins,
Mr. Jamison,
Mr. Taylor,
Mr. White,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Wild,
Mr. Piddington,
Mr. Suttor,
Mr. Hodgson,
Mr. Smith, } Tellers.
Mr. Tooth, }

Noes, 20.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Mr. Parkes,
Mr. Dalley,
Mr. Lord,
Mr. Forster,
Mr. Rotton,
Mr. Weekes,
Mr. Oakes,
Mr. Lloyd,
Mr. Egan,
Mr. Thornton,
Mr. Buckley,
Mr. Richardson,
Mr. Owen,
Mr. J. Campbell,
Mr. Marks, } Tellers.
Mr. Williamson, }

No. 10.

Question proposed—That there be granted to Her Majesty a sum not exceeding £2,460, to defray the Contingencies of the Railway Establishment, for the year 1858. (*Mr. Robertson.*)

Motion

Motion made and Question put,—That there be granted a sum not exceeding £1,460 for this service (being a reduction on the Original Estimate of £1,000 proposed for Law Expenses. (*Mr. Forster.*))

Committee divided.

Ayes, 14.

Mr. White,
Mr. Forster,
Mr. W. Macleay,
Mr. Dalley,
Mr. Marks,
Mr. Egan,
Mr. Rotton,
Mr. Byrnes,
Mr. Thornton,
Mr. Williamson,
Mr. Deniehy,
Mr. Jenkins,
Mr. Lord, } Tellers.
Mr. Cox, }

Noes, 15.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Hay,
Mr. Owen,
Mr. Suttor,
Mr. Weekes,
Mr. Oakes,
Mr. Paterson,
Mr. Lec,
Mr. Smith,
Mr. R. Tooth,
Mr. J. Campbell,
Mr. G. Macleay, } Tellers.
Mr. Hodgson, }

No. 11.

Original Question stated,—

Motion made and question put,—That there be granted a sum not exceeding £2,060 for this Service (being £400 less than the Original Estimate, *i. e.*, a reduction to that extent on the amount proposed for Law Expenses. (*Mr. Oakes.*))

Committee divided.

Ayes, 13.

Mr. White,
Mr. Paterson,
Mr. G. Macleay,
Mr. Thornton,
Mr. Jenkins,
Mr. Williamson,
Mr. Oakes,
Mr. Cox,
Mr. Egan,
Mr. Byrnes,
Mr. Rotton,
Mr. Deniehy, } Tellers.
Mr. Dalley, }

Noes, 14.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Owen,
Mr. Suttor,
Mr. Forster,
Mr. Weekes,
Mr. Lord,
Mr. Smith,
Mr. R. Tooth,
Mr. J. Campbell,
Mr. Lec,
Mr. Hay, } Tellers.
Mr. Hodgson, }

Original Question put and carried.

No. 12.

(*Establishment of Roads.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £84,000, to defray the construction and maintenance of Roads and Bridges, for the year 1858. (*Mr. Robertson.*)

Some Honorable Members having expressed their opinion that the Items should be put seriatim;—

Motion made and Question put,—That leave be granted to withdraw the original Question (with a view to the Items being put seriatim.) (*Mr. Robertson.*)

Committee divided.

Ayes, 11.

Mr. Robertson,
Mr. Hay,
Mr. Forster,
Mr. R. Tooth,
Mr. Parkes,
Mr. Cox,
Mr. Paterson,
Mr. Wild,
Mr. Macarthur,
Mr. Williamson, } Tellers.
Mr. Smith, }

Noes, 18.

Mr. Cowper,
Mr. R. Campbell,
Mr. Owen,
Mr. Rotton,
Mr. Jenkins,
Mr. Taylor,
Mr. Richardson,
Mr. Thornton,
Mr. Lec,
Mr. Oakes,
Mr. Lord,
Mr. Paterson,
Mr. Egan,
Mr. White,
Mr. Dickson,
Mr. J. Campbell,
Mr. Byrnes, } Tellers.
Mr. Buckley, }

Original Question stated.

And a Question having been put and negatived,—That there be granted a sum not exceeding £83,000 for this service, (being a reduction on the Original Estimate of £1000, proposed for the construction of a Bridge over the Paterson, at Clark's Crossing-place.) (*Mr. Smith.*)

Original Question put and carried.

FRIDAY, 30 JULY, 1858.

No. 13.

ELECTORAL LAW AMENDMENT BILL.

Clause 8.—“The Qualification for Electors of Members of the Assembly shall be “as follows” :—Every man of the full age of twenty-one years being a natural born or naturalized subject of Her Majesty and who unless otherwise qualified as hereinafter mentioned “shall” during six months next before any registration of Electors have resided and at the time of the Election shall reside in the Electoral District for which his vote is to be given And without regard to such residence every such subject of Her Majesty—having [at the respective times of such registration and election a freehold estate in possession situate in such district of the clear unincumbered value of one hundred pounds—or having at such respective times a leasehold estate in possession so situate of the clear unincumbered annual value of ten pounds held upon a lease demising a term of not less than three years] shall be qualified and entitled to vote at the Election of a Member of the Assembly Provided that no person shall be “entitled so to vote” who has been attainted or convicted of treason felony or other infamous offence in any part of Her Majesty’s dominions unless he have received a free or conditional pardon for such offence or have undergone the sentence passed on him therefor Provided also that no Inspector General or Metropolitan Superintendent of Police “or Commandant or other “Officer of Native Police” or paid Police Magistrate or Superintendent of Police nor any Clerk of Petty Sessions “nor any Sheriff’s Bailiff or other Officer” nor any Clerk Chief or other Constable or person belonging to the Constabulary Force shall during the time he shall continue in any such office “or within six months after he shall have quitted the same” be capable of giving his vote for the election of a Member to serve in the Assembly Nor shall by word message writing or in any other manner endeavour to persuade any Elector to give or dissuade any Elector from giving his vote for any Candidate And every person so disqualified who shall offend herein he shall forfeit the sum of one hundred pounds to be recovered by any person who shall sue for the same by action of debt to be commenced within six months after the commission of the “offence.”—*Read.*

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

Motion made and Question put,—That the following new Clause be substituted for the Clause as read :—

The Qualifications for Electors of the Legislative Assembly shall be as follows :—Every man of the age of twenty-one years being a natural-born or naturalized subject of Her Majesty or legally made a denizen of New South Wales and having a freehold estate in possession situate in the district for which his vote is to be given of the clear value of one hundred pounds sterling money above all charges and incumbrances in any way affecting the same of or to which he has been seized or entitled either at law or in equity for at least six calendar months next before the last Registration of Electors or being a householder within such district occupying any house warehouse counting house office shop or other building of the clear annual value of ten pounds sterling money and having occupied the same for six calendar months next before such Registration as aforesaid or having a leasehold estate in possession situate within such district of the value of ten pounds sterling money per annum held upon a lease which at the time of such Registration has not less than three years to run or having a leasehold estate so situate and of such value as aforesaid of which he has been in possession for three years or upwards next before such Registration or holding at the time of such Registration a license from the Government to depasture lands within the district for which his vote is to be given or having a salary of one hundred pounds a year and having enjoyed the same for six calendar months next before such Registration or being the occupant of any room or lodging and paying for his board and lodging forty pounds a year, or for his lodging only at the rate of ten pounds a year and having occupied the same room or lodging for six calendar months next before such Registration as aforesaid shall be entitled to vote at the Election of a Member of the Legislative Assembly Provided always that no man shall be entitled to vote who has been attainted or convicted of treason felony or other infamous offence in any part of Her Majesty’s dominions unless he have received a free or conditional pardon for such offence or have undergone the sentence passed on him for such offence and provided also that no man shall be entitled to vote unless at the time of such Registration of Electors he shall have paid up all rates and taxes which shall have become payable by him as owner or leaseholder in respect of such estate or as occupier in respect of such occupancy or as the holder of a license in respect of such license except such as shall have become payable during three calendar months next before such Registration provided that the removal of any registered voter to a house premises or lodgings of the yearly value hereinbefore specified situated within such Electoral District shall not disqualify such voter. (*Mr. Piddington*)

Committee

Committee divided.
Ayes, 16.

- Mr. Hay,
 - Mr. G. Macleay,
 - Mr. Smith,
 - Mr. W. B. Tooth,
 - Mr. Macarthur,
 - Mr. White,
 - Mr. Lloyd,
 - Mr. Jenkins,
 - Mr. Lee,
 - Mr. Lord,
 - Mr. Cox,
 - Mr. Wild,
 - Mr. W. Macleay,
 - Mr. Paterson,
 - Mr. Donaldson,
 - Mr. Piddington,
- } Tellers.

Noes, 19.

- Mr. Cowper,
 - Mr. Robertson,
 - Mr. R. Campbell,
 - Mr. Thornton,
 - Dr. Aldcorn,
 - Mr. Buckley,
 - Mr. Owen,
 - Mr. Weekes,
 - Mr. Forster,
 - Mr. Denichy,
 - Mr. Williamson,
 - Mr. Richardson,
 - Mr. Jones,
 - Mr. Byrnes,
 - Mr. Dickson,
 - Mr. J. Campbell,
 - Mr. Oakes,
 - Mr. Marks,
 - Mr. Scott,
- } Tellers.

No. 14.

The Clause having been amended by the omission of the words "The Qualification for Electors of Members of the Assembly shall be as follows." (Mr. Cowper):— And a Question having been proposed, and ultimately withdrawn—That the Clause be further amended, by the omission of all the words in Italic, with a view to the insertion in their place of the following words:—

Or legally made a denizen of New South Wales and who shall during six months next before Registration of Electors as hereinafter provided be possessed of any freehold or leasehold land or estate in any Electorate or be a householder or tenant of any house or building in any Electorate or hold from the Government a license to depasture land within the limits of any Electorate or being the occupant of any room or lodging and paying for his board and lodging forty pounds a-year or for his lodging only at the rate of ten pounds a-year and having occupied the same room or lodging for six calendar months next before such registration as aforesaid shall be a qualified Elector under this Act and be entitled to be registered as such in and for the Electorate in or in respect of which any such qualification as aforesaid lies or arises And at every future election of a Member of the Assembly if such Elector shall have continued since such registration to possess and shall still possess the same qualification he shall be qualified to vote within the same Electorate. (Mr. Owen.)

Motion made and Question put,—That the Clause be further amended, in the fourth line, by inserting, after the word "shall," the words "being a householder." (Mr. Hay.)

Committee divided.
Ayes, 19.

- Mr. Wild,
 - Mr. Owen,
 - Mr. Jenkins,
 - Mr. Paterson,
 - Mr. W. Macleay,
 - Mr. Macarthur,
 - Mr. G. Macleay,
 - Mr. Cox,
 - Mr. Hodgson,
 - Mr. White,
 - Mr. Taylor,
 - Mr. Smith,
 - Mr. W. B. Tooth,
 - Mr. Lloyd,
 - Mr. Lord,
 - Mr. Suttor,
 - Mr. Donaldson,
 - Mr. Hay,
 - Mr. Piddington,
- } Tellers.

Noes, 22.

- Mr. Cowper,
 - Mr. Robertson,
 - Mr. R. Campbell,
 - Mr. Williamson,
 - Dr. Aldcorn,
 - Mr. Parkes,
 - Mr. Jones,
 - Mr. Thornton,
 - Mr. Weekes,
 - Mr. Richardson,
 - Mr. Egan,
 - Mr. Denichy,
 - Mr. Scott,
 - Mr. Buckley,
 - Mr. J. Campbell,
 - Mr. Gordon,
 - Mr. Byrnes,
 - Mr. Forster,
 - Mr. Lee,
 - Mr. Rotton,
 - Mr. Oakes,
 - Mr. Dickson,
- } Tellers.

No. 15.

And the Clause having been further amended by the omission of all the words within brackets, and the insertion in their place of the following words:— A freehold estate in possession situate in the district for which his vote is to be given of or to which he has been seized or entitled at law or in equity for at least six months next before the last registration of electors or being the occupant of any house warehouse counting-house office shop or other building and having occupied the same for six months next before such registration or having a leasehold estate in possession situate within such district of which he has been in possession for six months next before such registration or holding at the time of and having held for six months previously to such registration a license from the Government to depasture lands within the district for which his vote is to be given (Mr. Cowper.)

Motion made and Question put,—That the Clause be further amended by the insertion in continuation of the last-mentioned amendment, of the words "or having a salary of not less than one hundred pounds a-year, and having enjoyed the same for six calendar months before such registration." (Mr. Smith.)

Committee

Committee divided.

Ayes, 19.

Mr. W. B. Tooth,
 Mr. W. Macleay,
 Mr. Lord,
 Mr. Taylor,
 Mr. G. Macleay,
 Mr. Thornton,
 Mr. Lloyd,
 Mr. Jenkins,
 Mr. White,
 Mr. Lee,
 Mr. Cox,
 Mr. Macarthur,
 Mr. Wild,
 Mr. Hodgson,
 Mr. Suttor,
 Mr. Hay,
 Mr. Donaldson,
 Mr. Paterson, } Tellers.
 Mr. Smith, }

Noes, 22.

Mr. Cowper,
 Mr. Martin,
 Mr. Robertson,
 Mr. R. Campbell,
 Mr. Williamson,
 Dr. Aldcorn,
 Mr. Scott,
 Mr. Parkes,
 Mr. Weekes,
 Mr. Rotton,
 Mr. Owen,
 Mr. Forster,
 Mr. Marks,
 Mr. Richardson,
 Mr. Denichy,
 Mr. Jones,
 Mr. Buckley,
 Mr. J. Campbell,
 Mr. Gordon,
 Mr. Dickson,
 Mr. Oakes, } Tellers.
 Mr. Byrnes, }

No. 16.

Motion made and Question put,—That the Clause be further amended, by [the insertion, after the words "entitled so to vote," of the words "who is in the "Military Service, and stationed in any garrison or barrack, or actually "receiving aid from any charitable institution, or an idiot, or insane, or"

(Mr. Cowper.)

Committee divided.

Ayes, 24.

Mr. Cowper,
 Mr. Martin,
 Mr. Robertson,
 Mr. Marks,
 Mr. Rotton,
 Mr. Parkes,
 Mr. Weekes,
 Mr. White,
 Mr. Buckley,
 Mr. Denichy,
 Mr. Lee,
 Mr. Thornton,
 Mr. Smith,
 Mr. Richardson,
 Mr. Scott,
 Mr. Owen,
 Mr. Williamson,
 Mr. Jones,
 Mr. Dickson,
 Dr. Aldcorn,
 Mr. Oakes,
 Mr. J. Campbell,
 Mr. Byrnes, } Tellers.
 Mr. Gordon, }

Noes, 17.

Mr. Suttor,
 Mr. Macarthur,
 Mr. Wild,
 Mr. W. Macleay,
 Mr. Piddington,
 Mr. Taylor,
 Mr. Cox,
 Mr. Paterson,
 Mr. Jenkins,
 Mr. Forster,
 Mr. Lloyd,
 Mr. Lord,
 Mr. Hodgson,
 Mr. W. B. Tooth,
 Mr. Hay,
 Mr. G. Macleay, } Tellers.
 Mr. Donaldson, }

No. 17.

The following further amendments having been made, viz. :—

(1.) The words "or Commandant or other Officer of Native Police" omitted. (Mr. Hay.)

(2.) The words "nor any Sheriff's Bailiff or other officer" omitted. (Mr. Jones.)

(3.) The words "or within six months after he shall have quitted the same" omitted. (Mr. Cowper.)

(4.) The words "Provided that no prohibition or disqualification in this Clause "shall extend to any Member of any Militia Force or Volunteer or Yeomanry "Corps" added after the concluding word "offence" (Mr. Cowper.)

Motion made and Question put—That the Clause as amended stand part of the Bill. (Mr. Cowper.)

Committee divided.

Ayes, 22.

Mr. Cowper,
 Mr. Martin,
 Mr. Robertson,
 Mr. Marks,
 Mr. Rotton,
 Mr. Jones,
 Mr. Weekes,
 Mr. Byrnes,
 Mr. Thornton,
 Mr. Lee,
 Mr. Forster,
 Mr. Buckley,
 Mr. Richardson,
 Mr. Scott,
 Mr. Williamson,
 Mr. Denichy,
 Mr. Dickson,
 Dr. Aldcorn,
 Mr. Oakes,
 Mr. J. Campbell,
 Mr. Gordon, } Tellers.
 Mr. Parkes, }

Noes, 18.

Mr. Piddington,
 Mr. G. Macleay,
 Mr. Owen,
 Mr. Macarthur,
 Mr. W. Macleay,
 Mr. Hodgson,
 Mr. Lord,
 Mr. Lloyd,
 Mr. Taylor,
 Mr. Jenkins,
 Mr. Paterson,
 Mr. Suttor,
 Mr. Cox,
 Mr. Wild,
 Mr. W. B. Tooth,
 Mr. Hay,
 Mr. Smith, } Tellers.
 Mr. Donaldson, }

Clause

(Clause as carried :—

8. Every man of the full age of twenty-one years being a natural born or naturalized subject of Her Majesty and who unless otherwise qualified as hereinafter mentioned shall during six months next before any registration of Electors have resided and at the time of the Election shall reside in the Electoral District for which his vote is to be given And without regard to such residence every such subject of Her Majesty—having a freehold estate in possession situate in the district for which his vote is to be given of or to which he has been seized or entitled at law or in equity for at least six months next before the last registration of Electors or being the occupant of any house warehouse counting-house office shop or other building and having occupied the same for six months next before such registration or having a leasehold estate in possession situate within such district of which he has been in possession for six months next before such registration or holding at the time of and having held for six months previously to such registration a license from the Government to depasture lands within the district for which his vote is to be given shall be qualified and entitled to vote at the Election of a Member of the Assembly Provided that no person shall be entitled so to vote who is in the Military Service and stationed in any garrison or barrack or actually receiving aid from any charitable institution or an idiot or insane or who has been attainted or convicted of treason felony or other infamous offence in any part of Her Majesty's dominions unless he have received a free or conditional pardon for such offence or have undergone the sentence passed on him therefor Provided also that no Inspector General or Metropolitan Superintendent of Police or paid Police Magistrate or Superintendent of Police nor any Clerk of Petty Sessions nor any Clerk Chief or other Constable or person belonging to the Constabulary Force shall during the time he shall continue in any such office be capable of giving his vote for the election of a Member to serve in the Assembly nor shall by word message writing or in any other manner endeavour to persuade any Elector to give or dissuade any Elector from giving his vote for any Candidate And every person so disqualified who shall offend herein he shall forfeit the sum of one hundred pounds to be recovered by any person who shall sue for the same by action of debt to be commenced within six months after the commission of the offence Provided that no prohibition or disqualification in this clause shall extend to any member of any militia force or volunteer or yeomanry corps.)

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 16.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 3 AUGUST, 1858.

No. 1.

ST. PHILIP'S PARSONAGE BILL.

Clause 4 The said Trustees shall stand possessed of all the surplus if any of such moneys after providing such "Parsonage as aforesaid" upon the following trusts and in the order in which the same are hereinafter declared such trusts in every case to be exercised with the like approval of the Bishop as aforesaid that is to say upon trust to pay and apply such portion thereof as shall be deemed fit towards the completion of the said new Church of Saint Philip And such other portion as shall be deemed fit towards the erection of an additional Church within the said parish And such other portion as shall be deemed fit towards the endowment of such additional Church by aiding the stipend of the incumbent thereof And to pay and apply the remainder of such moneys if any for or towards any such other purpose in connection with the United Church of England and Ireland within and for the benefit of the said parish as the said Trustees with the like approval shall determine,—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Thornton.*)
Amendment proposed,—That all the words following the words "Parsonage as aforesaid" be omitted, with a view to the insertion in their place of the words "upon trust to pay and apply the same towards the maintenance of the incumbent or of such additional Clergyman or Clergymen as may be appointed to assist the incumbent of the new church of St. Philip." (*Mr. R. Campbell.*)

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

Committee divided.

Ayes, 17.

Mr. Cowper,
Mr. Robertson,
Mr. Gordon,
Mr. Denichy,
Mr. Dickson,
Mr. Richardson,
Mr. Paterson,
Mr. Smith,
Mr. Owen,
Mr. Lee,
Mr. Marks,
Mr. Taylor,
Mr. Faucett,
Mr. Forster,
Mr. Oakes,
Mr. Tooth,
Mr. Thornton, } Tellers.

Nocs, 4.

Mr. J. Campbell,
Mr. R. Campbell,
Mr. White, } Tellers.
Dr. Bowker, }

Original Question put and carried.

WEDNESDAY, 4 AUGUST, 1858.

No. 2.

ELECTORAL LAW AMENDMENT BILL.

Clause 7, (*as amended*). Every man of the full age of twenty-one years being a natural born or naturalized subject of Her Majesty absolutely free shall be qualified to be elected a Member of the Assembly for any Electoral District Provided that any person so elected shall be duly qualified to be an Elector under this Act Provided also that no person shall be entitled to Letters of Naturalization who shall not have been resident in the Colony for the continuous period of _____ years at the least,—*Read*.

Question proposed,—That the blank be filled with the word "three." (*Mr. Cowper*.)
Afterwards proposed,—That the blank be filled with the word "five." (*Mr. Rotton*.)

Question put,—That the blank be filled with the word "five."
Committee divided.

Ayes, 8.

Mr. Parkes,
Mr. Donaldson,
Mr. Hay,
Mr. Faucett,
Mr. White,
Mr. Smith,
Mr. Richardson, } Tellers.
Mr. Rotton,

Noes, 22.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Buckley,
Mr. Scott,
Mr. Jones,
Mr. Weekes,
Mr. Taylor,
Mr. Lee,
Mr. Hodgson,
Mr. Forster,
Mr. Wild,
Mr. W. B. Tooth,
Dr. Aldcorn,
Mr. Suttor,
Mr. Marks,
Mr. J. Campbell,
Dr. Bowker,
Mr. Oakes,
Mr. Byrnes,
Mr. Gordon, } Tellers.
Mr. Egan,

Question—That the blank be filled with the word "three"—*put and carried.*
Clause, as read, with the blank so filled, *carried.*

No. 3.

Clause 13 (*as amended*). The Governor with the advice aforesaid may by notice in the *Gazette* from time to time appoint places for taking the Poll Provided that there shall be at least one polling-place for and within the boundaries of every such division,—*Read*.

Question proposed,—That the Clause as read stand part of the Bill. (*Mr. Cowper*.)
Motion made and Question put,—That the Clause be further amended by the addition, at the end thereof, of the following proviso:—"Provided also that at every General Election the Poll shall be taken at every polling-place throughout the Colony upon the same day except in cases of adjournment within the meaning of section —." (*Mr. Forster*.)

Committee divided.

Ayes, 4.

Mr. Forster,
Mr. Marks,
Mr. Robertson, } Tellers.
Mr. Parkes,

Noes, 32.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Dr. Aldcorn,
Mr. Faucett,
• Mr. Tooth,
Mr. Hodgson,
Mr. Donaldson,
Mr. Smith,
Mr. Owen,
Mr. Suttor,
Mr. Rotton,
Mr. Piddington,
Mr. Scott,
Mr. White,
Mr. Byrnes,
Mr. Taylor,
Mr. Weekes,
Mr. Thornton,
Mr. Gordon,
Mr. Oakes,
Mr. J. Campbell,
Dr. Bowker,
Mr. Wild,
Mr. Jones,
Mr. Egan,
Mr. Richardson,
Mr. Lloyd,
Mr. Lee,
Mr. Hay,
Mr. Dickson, } Tellers.
Mr. Dalley,

Original Question put and carried.

THURSDAY,

THURSDAY, 5 AUGUST, 1858.

No. 4.

SAME BILL.

Clause 28. On the day of nomination named in the Writ the Returning Officer shall preside at a meeting to be holden at noon at the place named for that purpose in the Writ and shall declare the purpose for which such meeting is held and if no more Candidates be then proposed than the Member or number of Members to be returned the Returning Officer shall declare the Candidate or Candidates proposed to be duly elected and make his return accordingly. And if more than such number be proposed the Returning Officer shall call for a show of hands separately in favor of each Candidate and shall declare the result of such show of hands and shall make his return accordingly unless a poll be then and there demanded by some Candidate or by not fewer than six Electors of the Electoral District. And if such demand be made for a poll the polling shall "take place" at the polling places for such District on the day appointed in the Writ for that purpose.

Motion made and Question put,—That the Clause be amended, by the insertion, after the words "take place," of the words "by ballot." (*Mr. Cooper.*)

Committee divided.

Ayes, 30.

Mr. Cowper,
Mr. Robertson,
Mr. Byrnes,
Mr. Gordon,
Mr. Owen,
Mr. Hodgson,
Mr. Buckley,
Mr. Marks,
Mr. Richardson,
Mr. Jones,
Mr. Weekes,
Mr. Thornton,
Mr. Dalley,
Mr. Hay,
Mr. W. B. Tooth,
Mr. Piddington,
Mr. Lee,
Mr. Rotton,
Mr. Smith,
Mr. Lord,
Mr. White,
Mr. Dickson,
Mr. Williamson,
Dr. Bowker,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Oakes,
Mr. Suttor,
Mr. Scott, } Tellers.
Mr. Parkes, }

Noes, 8.

Mr. R. Campbell,
Mr. Donaldson,
Mr. Martin,
Mr. Taylor,
Mr. Wild,
Mr. Forster,
Mr. Faucett,
Mr. W. Macleay, } Tellers.

Clause, as so amended, carried. (*Mr. Cooper.*)

No. 5.

Clause 35. At every poll the voting shall commence at "nine" o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day unless adjourned as hereinafter provided by reason of riot or other "interruption" And the poll shall be conducted in manner following that is to say Every Elector shall vote at the polling-place appointed for the division of the district wherein he holds a qualification. And every such Elector may vote for any number of candidates not exceeding the number of Members then to be chosen and any ballot paper containing a greater number of names of Candidates shall be rejected at the close of the Poll.—*Read.*

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

Amendment proposed,—That the word "nine" be omitted, with a view to the insertion in its place of the word "eight." (*Mr. Smith.*)

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

Committee divided.

Ayes, 17.

Mr. Cowper,
Mr. Robertson,
Mr. Byrnes,
Mr. Martin,
Mr. Parkes,
Mr. Wild,
Mr. Piddington,
Mr. Owen,
Mr. Jones,
Mr. Suttor,
Mr. White,
Mr. Dickson,
Mr. Lee,
Mr. J. Campbell,
Mr. Oakes,
Mr. Faucett, } Tellers.
Mr. Buckley, }

Noes, 7.

Mr. Forster,
Mr. Smith,
Dr. Aldcorn,
Mr. Thornton,
Mr. Weekes,
Mr. Hay,
Mr. Williamson, } Tellers.

No. 6

No. 6.

Original Question stated.

Motion made and Question put,—That the Clause be amended, by the insertion, after the word "interruption," of the words "except for the Electoral Districts of Sydney East Sydney West Newtown Paddington The Glebe Canterbury and St. Leonard's in which Electoral Districts the voting shall commence at Eight o'clock in the forenoon." (*Mr. Smith*)

Committee divided.

Ayes, 18.

Mr. Cowper,
 Mr. Martin,
 Mr. Robertson,
 Mr. Hay,
 Mr. Piddington,
 Mr. Parkes,
 Mr. Jones,
 Mr. Weekes,
 Mr. Thornton,
 Mr. Forster,
 Mr. Lee,
 Mr. Owen,
 Mr. Williamson,
 Mr. Smith,
 Mr. Oakes,
 Mr. Buckley,
 Mr. Byrnes, } Tellers.
 Mr. Wild, }

Noes, 2.

Mr. J. Campbell, } Tellers.
 Mr. Dickson, }

Progress Report—to sit again.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 17.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 10 AUGUST, 1858.

No. 1.

PYRMONT BRIDGE COMPANY'S BILL.

Clause 3. Before commencing the said bridge over Johnson's Bay or any other "roads or works" connected with any of the works authorized to be done or in progress of being done or any deviations therefrom the Corporation shall and may do or take or cause to be done or taken in relation thereto all such or the like acts steps and proceedings as are directed to be done and taken in relation to the works authorized by the said recited Act by the seventh eighth ninth tenth eleventh twelfth and thirteenth sections thereof and shall have such and the like powers and authorities and be subject to such and the like liabilities as incident to or consequent upon such acts steps and proceedings as are vested in or imposed upon the Corporation by the said recited Act as incident to and consequent upon the acts steps and proceedings thereby directed.—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Dalley.*)
Motion made and Question put,—That the Clause be amended by the insertion, after the words "roads or works," of the words "and which are specified in "the Schedule hereto annexed." (*Mr. R. Tooth.*)

Committee divided.

Ayes, 9.

Mr. Hay,
Mr. Hodgson,
Mr. Parkes,
Mr. Marks,
Mr. Richardson,
Mr. White,
Mr. W. B. Tooth,
Mr. Forster, } Tellers.
Mr. R. Tooth, }

Nocs, 12.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Suttor,
Mr. Piddington,
Mr. Williamson,
Mr. Buckley,
Mr. Dickson,
Mr. Moriarty,
Mr. Lee,
Mr. Dalley, } Tellers.
Mr. Jamison, }

Original Question put and carried.

WEDNESDAY, 11 AUGUST, 1858.

No. 2.

ELECTORAL LAW AMENDMENT BILL.

Clause 35 (*as amended.*) At every poll the voting shall commence at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day unless adjourned as hereinafter provided by reason of riot or other interruption except for the Electoral Districts of Sydney East Sydney West Newtown Paddington The Glebe Canterbury and St. Leonard's in which Electoral Districts the voting shall commence at eight o'clock in the forenoon And every such Elector may vote for *any number of candidates not exceeding the number of Members then to be "chosen"* and any ballot paper containing a greater number of names of "candidates" shall be rejected at the close of the poll.—*Read.*

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Question

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

Amendment proposed,—That all the words in *Italic* be omitted, with a view to the insertion in their place of the words “one candidate only.” (*Mr. Forster.*)

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

Committee divided.

Ayes, 23.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Mr. Piddington,
Mr. Jamison,
Mr. Oakes,
Mr. Richardson,
Mr. Taylor,
Mr. Lloyd,
Mr. Lord,
Mr. Rotton,
Mr. Faucett,
Mr. Suttor,
Mr. Lee,
Mr. Marks,
Mr. Dickson,
Dr. Aldcorn,
Mr. Parkes,
Mr. Wild,
Mr. Dalley,
Mr. Gordon, } Tellers.
Mr. Jones, }

Noes, 6.

Mr. Donaldson,
Dr. Bowker,
Mr. White,
Mr. Moriarty,
Mr. W. Macleay, } Tellers.
Mr. Forster, }

No. 3.

Original Question stated.

Motion made and Question put,—That the Clause be further amended, by inserting, after the word “chosen,” the words—“whenever the said number shall not exceed two Provided that in all cases where the number of Members to be chosen shall exceed two such Elector may vote only for such a number of Members as shall be one less than the number to be so chosen.” (*Mr. Donaldson.*)

Committee divided.

Ayes, 12.

Mr. Hodgson,
Mr. Taylor,
Mr. White,
Mr. Forster,
Mr. Faucett,
Mr. Moriarty,
Mr. Lloyd,
Dr. Bowker,
Mr. Wild,
Mr. Donaldson,
Mr. Smith, } Tellers.
Mr. W. Macleay, }

Noes, 19.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Dr. Aldcorn,
Mr. Rotton,
Mr. Oakes,
Mr. Marks,
Mr. Lee,
Mr. Suttor,
Mr. Lord,
Mr. Richardson,
Mr. Jamison,
Mr. Jones,
Mr. Piddington,
Mr. Gordon,
Mr. Dickson,
Mr. Parkes, } Tellers.
Mr. Dalley, }

No. 4.

Original Question stated.

Motion made and Question put,—That the Clause be further amended, by inserting, after the word “chosen,” the words “and every such Elector shall be entitled at his discretion at any such election for an Electoral District that returns three or more Members to distribute in such proportions as he may think fit the whole number of votes which he is entitled to give among any lesser number of candidates, or to give all his votes to one candidate.” (*Mr. Piddington.*)

Committee divided.

Ayes, 4.

Mr. Moriarty,
Mr. Taylor,
Mr. W. Macleay, } Tellers.
Mr. Piddington, }

Noes, 22.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Mr. Donaldson,
Mr. Smith,
Mr. Suttor,
Mr. Rotton,
Mr. Oakes,
Mr. Lord,
Mr. Jamison,
Mr. Faucett,
Mr. Dalley,
Mr. Lee,
Mr. Weekes,
Dr. Bowker,
Mr. Forster,
Mr. Jones,
Mr. Parkes,
Dr. Aldcorn,
Mr. Gordon, } Tellers.
Mr. Dickson, }

Clause

Clause further amended by the insertion, after the word "candidates" (where it occurs the second time), the words "or without the initials of the Presiding Officer"; and, as so amended, carried. (Mr. Cowper.)

No. 5.

New Clause, offered in substitution for Clause for 41 as printed (Mr. Cowper.);—
41. Every person who shall wilfully make a false answer to any of the questions aforesaid or shall wilfully make a false declaration in manner aforesaid or shall wilfully make any false statement orally or in writing to any "Collector or" Clerk of Petty Sessions or in any Court of Revision in any way affecting or relating to the qualification of himself or any other person shall be deemed guilty of a "misdemeanor" and on conviction thereof shall suffer the penalties of wilful and corrupt perjury.—Read.

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

Amendment proposed,—That the words "Collector or" be omitted. (Mr. Williamson.)

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

Committee divided.

Ayes, 16.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Dr. Aldcorn,
Mr. Suttor,
Mr. Scott,
Mr. Buckley,
Mr. W. B. Tooth,
Mr. Hay,
Mr. Taylor,
Mr. Moriarty,
Mr. Lee,
Mr. Lord,
Mr. Smith,
Mr. Forster, } Tellers.
Mr. Wild,

Noes, 12.

Mr. Dickson,
Mr. Oakes,
Mr. Rotton,
Mr. Thornton,
Mr. Jones,
Mr. Richardson,
Mr. Jamison,
Mr. Parkes,
Mr. Denichy,
Mr. Marks,
Mr. Gordon, } Tellers.
Mr. Williamson,

No. 6.

Original Question stated.

Motion made and Question put,—That the proposed new Clause be amended, by the insertion after the word "misdemeanor," of the words, "or otherwise at the discretion of any two or more Justices in Petty Sessions adjudicating in such case shall be liable to a penalty not exceeding Twenty pounds." (Mr. Forster.)

Committee divided.

Ayes, 17.

Mr. Suttor,
Mr. Hay,
Mr. Richardson,
Mr. Buckley,
Mr. W. B. Tooth,
Mr. Parkes,
Mr. Taylor,
Mr. Moriarty,
Mr. Lee,
Mr. Jamison,
Mr. Oakes,
Mr. Lord,
Mr. Jones,
Mr. Forster,
Mr. Smith,
Mr. Rotton, } Tellers.
Mr. Wild,

Noes, 10.

Mr. Cowper,
Mr. Robertson,
Mr. Dickson,
Mr. Scott,
Mr. Denichy,
Mr. Thornton,
Dr. Aldcorn,
Mr. R. Campbell,
Mr. Gordon, } Tellers.
Mr. Williamson,

No. 7.

Clause further amended by the omission of all the words in *Italic*. (Mr. Cowper.)
Whereupon Motion made and Question put,—That the proposed new Clause, as amended, stand part of the Bill, in substitution for Clause 41, as printed. (Mr. Cowper.)

Committee divided.

Ayes, 21.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Smith,
Mr. White,
Mr. Wild,
Mr. Lord,
Mr. Jamison,
Mr. Moriarty,
Mr. Taylor,
Mr. Lee,
Mr. Forster,
Mr. Parkes,
Mr. W. B. Tooth,
Mr. Buckley,
Mr. Hay,
Mr. Suttor,
Dr. Aldcorn,
Mr. Richardson,
Mr. Rotton, } Tellers.
Mr. Scott,

Noes, 7.

Mr. Williamson,
Mr. Denichy,
Mr. Thornton,
Mr. Jones,
Mr. Oakes,
Mr. Dickson, } Tellers.
Mr. Gordon,

THURSDAY, 12 AUGUST, 1858.

No. 8.

DISTRICT COURTS BILL.

Clause 38. Every such Bailiff shall receive a salary on account of the service of summonses and of his general duties other than in the execution of warrants and of writs of execution and the said Bailiffs shall be entitled to receive and retain for their own use all fees and sums of money allowed as hereinafter mentioned in the name of fees payable to the Bailiff out of which they shall provide for the execution of the duties for which such fees are allowed and for the payment of the officers appointed to assist them and the fees upon execution shall be paid by the Registrar of the Court to the Bailiff upon the return of the writ of execution but not before and every such Bailiff shall be responsible for all the acts and defaults of himself and of the officers appointed to assist him in like manner as the Sheriff of New South Wales is responsible for the acts and defaults of himself and his officers Provided always that in every Court holden under this Act in which the fees allowed to be taken by the Bailiffs of the Court shall appear to be more than sufficient it shall be lawful for the Governor with the advice aforesaid to order that a certain specified part only of their fees shall be retained by them and in that case and so long as such order shall be in force the amount of the residue of such fees shall be accounted for paid and applied in the same manner as all other fees payable to such Registrar.—*Read.*

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

Motion made and Question put,—That the consideration of this Clause be postponed. (*Mr. Forster.*)

Committee divided.

And the Tellers reporting the numbers as follows:—

Ayes, 6.

Noes, 10.

Mr. W. B. Tooth,
Mr. Williamson,
Mr. Smith,
Mr. R. Tooth,
Mr. Egan, } Tellers.
Mr. Forster, }

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Oakes,
Mr. Jamison,
Mr. Lee,
Mr. Marks,
Mr. Buckley, } Tellers.
Mr. Rotton, }

And it appearing by the said report that there was not a Quorum of Members present;—

The Chairman left the Chair, to report the same to the House.

FRIDAY, 13 AUGUST, 1858.

No. 9.

SECRETARY TO THE LORD BISHOP OF SYDNEY.

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

Resolved,—That an Address be presented to the Governor General, praying that His Excellency will be pleased to recommend to this House, to make provision in any sum not exceeding “£2,500,” for compensation to the Secretary to the Lord Bishop of Sydney, for the transfer to the Office of the Registrar General of all Records of Marriages, Baptisms, and Burials, relating to the United Church of England and Ireland, heretofore kept up and maintained at the personal cost and labor of the said Secretary. (*Mr. Donaldson, for Mr. Owen.*)

Amendment proposed,—That the figures “2,500” be omitted, with a view to the insertion in their place of the figures “1,500.” (*Mr. Piddington.*)

Question put,—That the figures “2,500,” proposed to be omitted, stand part of the proposed Resolution.

Committee divided.

Ayes, 18.

Noes, 12.

Mr. Moriarty,
Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Jones,
Mr. Denichy,
Mr. Egan,
Mr. Thornton,
Mr. Donaldson,
Mr. Taylor,
Mr. Hay,
Mr. Smith,
Mr. Hodgson,
Mr. W. B. Tooth,
Mr. Dickson,
Mr. R. Tooth,
Mr. Gordon, } Tellers.
Mr. Buckley, }

Mr. Parkes,
Mr. Dalley,
Mr. Forster,
Mr. Rotton,
Mr. Weekes,
Mr. White,
Dr. Aldcorn,
Mr. Richardson,
Dr. Bowker,
Mr. J. Campbell,
Mr. Piddington, } Tellers.
Mr. Robertson, }

Original Question put and carried.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 18.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

WEDNESDAY, 18 AUGUST, 1858.

No. 1.

ELECTORAL LAW AMENDMENT BILL.

Clause 3. The Legislative Assembly of New South Wales shall consist of "sixty-eight" Members.

Question proposed,—That the Clause be amended by the omission of the word "sixty-eight," with a view to the insertion in its place of the word "seventy-eight." (Mr. Cooper.)

Afterwards proposed,—That in the place of the word proposed to be omitted, the word "eighty" be inserted. (Mr. Marks.)

The Question—That the word "sixty-eight, proposed to be omitted, stand part of the Clause—having been put and negatived,—

Question put,—That the word "seventy-eight," proposed to be inserted in the place of the word omitted, be so inserted.

Committee divided.

Ayes, 11.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Byrnes,
Mr. Oakes,
Mr. Parkes,
Dr. Aldcorn,
Mr. Scott,
Mr. J. Campbell,
Mr. Dickson, } Tellers.
Mr. White, }

Noes, 23.

Mr. W. Macleay,
Mr. Owen,
Mr. Suttor,
Mr. Smith,
Mr. Lord,
Mr. Rotton,
Mr. G. Macleay,
Mr. Marks,
Mr. Taylor,
Mr. Lloyd,
Mr. W. B. Tooth,
Mr. Richardson,
Mr. Jones,
Mr. Thornton,
Mr. Buckley,
Mr. Moriarty,
Mr. Denichy,
Mr. Forster,
Mr. R. Tooth,
Mr. Wild,
Mr. Lee,
Mr. Hay, } Tellers.
Mr. Donaldson, }

No. 2.

Motion then made and Question put,—That the word "seventy-nine" be inserted in the place of the word omitted. (Mr. Byrnes.)

455—A

Committee

Committee divided.

Ayes, 11.
 Mr. Cowper,
 Mr. Robertson,
 Mr. R. Campbell,
 Mr. J. Campbell,
 Mr. Scott,
 Dr. Alcorn,
 Mr. White,
 Mr. Parkes,
 Mr. Oakes,
 Mr. Byrnes, } Tellers.
 Mr. Dickson, }

Nocs, 25.
 Mr. Donaldson,
 Mr. Hay,
 Mr. G. Macleay,
 Mr. Owen,
 Mr. Suttor,
 Mr. Smith,
 Mr. Lord,
 Mr. Rotton,
 Mr. W. Macleay,
 Mr. Marks,
 Mr. Hodgson,
 Mr. Taylor,
 Mr. Lloyd,
 Mr. R. Tooth,
 Mr. Richardson,
 Mr. Gordon,
 Mr. Jones,
 Mr. Thornton,
 Mr. Buckley,
 Mr. Moriarty,
 Mr. Denichy,
 Mr. Forster,
 Mr. W. B. Tooth,
 Mr. Lee, } Tellers.
 Mr. Wild, }

Question,—That the word "eighty" be so inserted,—put and carried.
 Clause, as so amended, carried. (Mr. Cowper.)

No. 3.

Question proposed—That the following new Schedule stand Schedule A to the Bill. (Mr. Cowper.)

SCHEDULE A.

1. ARGYLE.

Embracing the County of Argyle, and the southern portions of the Counties of Georgiana and Westmoreland; and bounded on the north, from the confluence of Murrain or Settler's Creek with the Wollondilly River, by that creek to its head at Mount Murrain, by the range thence to the main head of the Abercrombie River, east of Mount Werong, and by the Abercrombie River, downwards, to the confluence of the Bolong River; thence, on the west, by the range forming the western watershed of the Bolong River, and dividing its waters from those of Cook's Vale Creek, and the range dividing the waters of the Abercrombie and Crookwell Rivers, to a source of Kangaloola Creek, at the village reserve, and by that creek to its confluence with the Crookwell River, by the Crookwell River to its source, and by the range dividing the eastern and western waters and the Cullarin Range to Lake George; on the south by Lake George to the village reserve at Kenny's; thence by a small gully descending to the lake, to the Alianoyonyiga Mountain, and by the ridge thence, extending south-easterly, to Mount Wollowolar, and thence by Boro Creek to the Shoalhaven River; on the east by the Shoalhaven River, downwards, to the confluence of Barber's Creek, thence by Barber's Creek to its source, and by a line bearing north-easterly to Uringalla Creek, and by that creek, Paddy's River, and the Wollondilly River, downwards, to the confluence of Murrain or Settler's Creek, aforesaid: but excluding therefrom the Electoral District of Goulburn.

2. BATHURST.

Embracing the Towns of Bathurst and Kelso, in the Counties of Bathurst and Roxburgh; and bounded on the south, from the Macquarie River, by the line dividing Wm. Clarke's grant of 85 acres, from Richard Mortimer's grant of 80 acres, and by the north boundary of Sir John Jamison's 100 acres, forming the south side of Busby-street, westerly, to Havannah-street; by the extension of Havannah-street, south-westerly, forming the north-west boundaries of Austin's, Crilly's, Thompson's, and Mutton's purchases, by the north boundaries of William Mutton's 10 acres 1 rood and 23 perches, and David Gordon's 18 acres and 11 perches, and by the westerly extension of that line, to the east boundary of Colonel Stewart's Grant; on the west by that boundary, northerly, to the south-west corner of T. J. Hawkins' 320 acres; on part of the north by the south boundaries of that land, and of James Blackett's 320 acres, and James Walker's 320 acres, easterly, to the south-east corner of Walker's 320 acres; again on the west by part of the east boundary of that land; again on the north by the south boundary of J. Medley's 100 acres; again on the west by the east boundary of that 100 acres, northerly, to the Macquarie River; again on the north by the Macquarie River, upwards, to the south-east boundary of William Cox's 2 000 acres, called Hereford, and by that boundary, north-easterly, to the north corner of J. Read's 100 acres; thence on the east by the west boundaries of J. Blackman's 100 acres, J. Blackman's 60 acres, R. Mills' 50 acres, and W. Lee's 50 acres, south-easterly, to the east corner of W. Lee's 80 acres; and again on the south by the south-east boundary line of that land, south-westerly, to the Macquarie River, and by that river, upward, to the boundary between Clarke's and Mortimer's grants, aforesaid.

3. THE BOGAN.

Embracing the Pastoral District of Bligh, and the greater portion of the Pastoral District of Wellington; and bounded on the north by the Barwan River, downward, from the confluence of the Namoi River, to the confluence of the Bokhara River; thence on the east by a line due north till it is cut by the prolongation of a line from Poekataroo to the Rocky Ford on the Narran River, in latitude 29 degrees 20 minutes south; again on the north by the last described line till it meets Mr. Kennedy's return track from the River Warrego, by that track to the 29th parallel of south latitude, and by that parallel to the River Warrego; on the west by the River Warrego, downwards, to the 30th parallel of south latitude; on the south by that parallel to the River Darling or Barwan, at the confluence of the
 Bogan

Bogan River; again on the west by the Darling River, downward, to Fort Bourke; and by a line thence, south-easterly, to the confluence of Kalingalungagay Creek with the Lachlan River; again on the south by the Lachlan River, upward, to the confluence of the Belubula River, and by that river, upwards, to the confluence of Panuara Rivulet; again on the east by the Panuara Rivulet, upward, to its source in the Canobola Mountains; and thence by the range forming the western watershed of the Bell River, to the Coutombal Mountains, at the boundary of the Settled Districts, (which is a curved line westward of the Town of Wellington, including all lands within ten miles from any point of the outward limits of the town); by that boundary to the western boundary of the County of Bligh, by that boundary to the Liverpool Range, and by that range, the Warrabangle Range, and the range dividing the waters of the Castlereagh and Namoi Rivers, to the confluence of the last mentioned river with the Barwan, aforesaid.

4. BRAIDWOOD.

Embracing the south western portion of the County of St. Vincent, and the eastern portion of the County of Murray; and bounded on the north by the range forming the northern watershed of the Endrick River, to its confluence with the Shoalhaven River, by that river, upwards, to the confluence of Boro Creek, and by that creek to its source at Mount Wollowolar; on the west, including Long Swamp, by the Gourcock Range to Mount Tumanwong; on the south by the source of Jerrabatgulla Creek, and a line, easterly, to the confluence of Curranbene Creek with the Shoalhaven River, and by that river, downwards, to the confluence of Wianbene Creek; thence by Wianbene Creek to its source, and by a line to the source of Moodong Creek, by Moodong Creek to the Deua River, and by the Deua River to the confluence of Araluen Creek; and on the east by a line bearing north-easterly to the source of Buckenbowra Creek, in the Budawang Range, and by the Budawang Range to the range forming the northern watershed of the Endrick River, aforesaid.

5. BRISBANE.

Embracing the Town of Brisbane, in the County of Stanley; commencing on the left bank of the Brisbane River, at the southern extremity of the north-west side of the road dividing John McConnell's 13 acres 1 rood and 2 perches, and 21 acres 3 roods and 4 perches, and bounded on part of the east by the north-west side of that road, north-easterly, to the south corner of J. C. Wickham's 30 acres; thence on the north by the south-west boundary of Wickham's 30 acres, and the south-west side of the road which forms the south-west boundary of James Gibbon's 86 acres and 33 acres, and T. Shannon's 13 acres and 19 perches, to the new bridge on the Eagle Farm Road; thence by lines north-westerly, in all 37 chains and 24 links, up the north side of York's Hollow Swamp, to a point west of the old road to Eagle Farm, and opposite to the ridge which divides York's and Spring Hollows; thence by lines, south-westerly, to, and along that ridge and the ridge forming the southern watershed of York's Hollow, to a point north by compass from the north-east corner of the Jews' Burial Ground for North Brisbane; on the west by a line bearing south and forming the eastern boundaries of the Jews', Roman Catholics', Presbyterians', and Aborigines' Burial Grounds, to the north corner of D. R. Somerset's 2 acres and 38 perches, by the south-west side of the road forming the north-east boundary of that land, to a small creek which forms its south boundary, and by that creek to the Brisbane River, by a line, south-easterly, across the Brisbane River, to the north extremity of the west side of Boundary-street, South Brisbane, being the north corner of John Croft's 2 acres, and by the west side of Boundary-street southerly to the south side of Vulture-street; on the south by the south side of Vulture-street and of the road in continuation thereof, easterly, to a point due south of the south-east corner of W. Kent's 6 acres 1 rood and 13 perches; and on the remainder of the east by a line north to that point, by the west side of the road bounding Kent's land on the east, northerly, to the Brisbane River, by its extension northerly across that river, and by the left bank of the river, upwards, to the point of commencement.

6. THE BURNETT.

Embracing the Pastoral Districts of Wide Bay and Burnett, Leichhardt and Port Curtis, and the Settled Counties at Port Curtis; and bounded on the south by the Glass House Range, from the sea coast to Jemma, and thence by the range dividing the waters of the Rivers Brisbane and Burnett, to the Great Dividing Range; on the west by the Great Dividing Range to the sources of the Mackenzie River; and thence by the range dividing the waters of the Mackenzie and Belyando Rivers; on the north by the range forming the northern watershed of the Mackenzie and Isaac Rivers, and a line easterly to Cape Palmerston; and on the east by the sea to the Glass House Range, aforesaid.

7. WEST CAMDEN.

Embracing the western portion of the County of Camden, a north-eastern portion of the County of Westmoreland, and a south-eastern portion of the County of Cook; and bounded on the north, from the confluence of the Nepean and Warragamba Rivers, by the range forming the northern watershed of the Warragamba and Cox's Rivers, and a line bearing west to Jamison's Valley Creek, at a point 4 miles above its confluence with Cox's River, by Jamison's Valley Creek to Cox's River, and by Cox's River, upward, to the confluence of Kowmung River; on the west by Kowmung River, upward, to the nearest source to Mount Collong, by a line to that mountain, by the range thence to Mount Murruin; and thence by Murruin or Settler's Creek to the Wollondilly River, by that river, upwards, to the confluence of Paddy's River, by that river upwards to the confluence of Uringalla Creek, by that creek, upwards, and by a line thence, bearing south-westerly, to the source of Barber's Creek, and by that creek to its confluence with the Shoalhaven River; on the south by that river, downwards, to the confluence of the Kangaroo River; and by that River to its middle source in the Illawarra Range; and on the east by that range, northerly, to Mount Murray, and by a line, thence, to the confluence of Cordeaux Creek with the Cordeaux River; thence by

a line bearing north to Wallandoola Creek, by that creek, downward, to the Cataract River; by that river, downward, to the Nepean River, and by the Nepean River, downward, to the Warragamba River, aforesaid.

8. CANTERBURY.

Embracing a portion of the County of Cumberland; and bounded on the north by Port Jackson, from the sea, and by the Parramatta River, upward, to the west boundary of the parish of Concord; on the west by the western boundaries of the parishes of Concord and St. George to George's River; on the south by that river and Botany Bay to the sea; and on the east by the sea to Port Jackson, aforesaid: and including all the Islands in Port Jackson and the Parramatta River; but excluding therefrom the Electoral Districts of East and West Sydney, Paddington, Newtown, and the Glebe.

9. CARCOAR.

Embracing the south-western portion of the County of Bathurst, and the western portion of the County of Georgiana; and bounded on the north, from the head of the Isabella River, by the range dividing the waters of the Abercrombie and Campbell's Rivers, and the range dividing the waters of the Macquarie and Belubula Rivers, to the section line dividing Simmons' and Smith's land from a village reserve and Orr's 1,192 acres; thence by that section line westerly, the north boundary of the Church and School Estate in the County of Bathurst, on the Belubula River, and the section line forming that boundary to the Panuara Rivulet; on the west by that rivulet to its confluence with the Belubula River, and by the Belubula to the Lachlan River; on the south by the Lachlan River to the confluence of the Crookwell River, and by the Crookwell River to the confluence of Kangaloolah Creek; thence on the east by that creek to its head, by the range dividing the waters of the Crookwell and Abercrombie Rivers, and the range forming the western watershed of the Bolong River, and dividing the waters of that river from those of Cook's Vale Creek, to the confluence of the Bolong and Abercrombie Rivers; thence by a line, northerly, to the Isabella River at the north-east corner of Mrs. Murphy's 320 acres at Ballyroe; and thence by the Isabella River to its head, aforesaid.

10. THE CLARENCE.

Embracing the greater portion of the Pastoral District of the Clarence; and bounded on the north by the range dividing the waters of the Logan and other rivers, from those of the Clarence, Richmond, and Tweed Rivers, from Point Danger to the Great Dividing Range; on the west by the Great Dividing Range, and a line bearing south crossing the (northern) Rocky River at a point where the banks close in abruptly, about 5 miles east of Frocester, to a line bearing east from the Bolivia Range; by that line easterly to the boundary line between the New England and Clarence Districts, and by that boundary, (being a line north from Mount Werrikimbe,) southerly, to the range forming the southern watershed of the Clarence River; on the south by that range, easterly, and a line bearing east to the sea, near the Solitary Islands, and on the east by the sea to Point Danger, aforesaid.

11. THE CUDGEGONG.

Embracing the western portion of the County of Phillip, and the northern portion of the County of Wellington; and bounded on the north, from the confluence of Bylong Creek with the Goulburn River, by that river to its head in the Great Dividing Range; by that range, and by Wialdra Creek to its confluence with the Cudgegong River; on the west by the Cudgegong River to the confluence of Meroo Creek; thence on the south by the range forming the southern watershed of the Meroo Creek, to the head of Cudgegong Creek; thence on the east by Cudgegong Creek to its confluence with the Cudgegong River; thence by a line north, by compass, passing to the west of the Village of Dangaree, to the Great Dividing Range, and by that range, easterly, and the range forming the western watershed of Bylong Creek, to the confluence of that creek with the Goulburn River, aforesaid.

12. CENTRAL CUMBERLAND.

Embracing a central and northern portion of the County of Cumberland; and bounded on the north by the Hawkesbury River, upward, from Cowan Creek to the south-east boundary of the Parish of Frederick; on the west by that boundary to the North Road to Wiseman's Ferry, and by that road, southerly, to the north boundary of George Suttor's grant of 60 acres; thence by a line south-westerly to the junction of the Pitt Town and Windsor Roads at Vinegar Hill; thence by the latter road, south-easterly, and by the Old Windsor road, to the north boundary of the Parish of Prospect, by that boundary, bearing west to Eastern Creek, nearly at the confluence of Breakfast Creek; by Eastern Creek, upward, to the south boundary of the Parish of Prospect, and by that boundary, easterly, and the west boundary of the Parish of Saint Luke, southerly, to the junction of the Orphan School Road with the Old Cowpasture Road; by the former road, westerly, to South Creek; by South Creek upward, to the Bringelly Road; by that road, easterly, to the Cowpasture Road at Carne's Hill, and by that road, southerly, to the cross road at the south-west corner of the Parish of Minto; on the south by that cross road to the Campbelltown Road, and by the south boundary of the Parish of Minto, to George's River; thence by a line, easterly, crossing Deadman's Creek, to the north boundary of John Lucas' grant on Woronora Creek; and thence by a line, south-easterly, to the sea at Wattamolla; and on the east by the sea, Botany Bay, and George's River, to Salt-pan Creek, and by the western boundaries of the Parishes of Saint George and Concord, to the Parramatta River; then crossing that river to the Pennant Hills Wharf, and thence by the western boundaries of the Parishes of Hunter's Hill, Gordon, and Broken Bay, to the Hawkesbury River, aforesaid: but excluding therefrom the Electoral District of Parramatta.

13. DARLING DOWNS.

Embracing nearly all the Pastoral District of Darling Downs, and the Pastoral District of Maranoa; and bounded on the east and north by the Great Dividing Range, from a point near the head of Quart-pot Creek, to the source of Cunno Creek, a western head of the Warrego River; on the west by Cunno Creek, and by the River Warrego, downward, to the 28th parallel of south latitude; on the south by that parallel easterly, till it meets the prolongation of a line from Cunninghamdi, on the Mooni River, to Sir Thomas Mitchell's Camp I on the Culgoa; thence by that line, south-easterly, till it meets the surveyed and marked track from the Balonne; thence by that track, southerly, to a tree marked 87 on the River Barwan; thence by the Barwan, M'Intyre, and Dumaresq Rivers, upwards, to the confluence of M'Intyre Brook; thence by the range dividing the waters of the River Dumaresq, (known also as the Severn,) from those of the M'Intyre Brook, and a line bearing south-east, to the point where the Darling Downs Road crosses Quart-pot Creek, and thence by a line bearing east to the Great Dividing Range, aforesaid.

14. EDEN.

Embracing the south-eastern portion of the County of St. Vincent and the eastern portion of the Monaro Pastoral District; and bounded on the north, from the sea, about 2 miles south of Point Upright, by the Duras water, to the range dividing the Clyde River and coast waters, and by that range northerly, and the Pigeon House Range, to the range dividing the Shoalhaven and coast waters, and thence by that range to the Budawang Range; on the west by the Budawang Range to the source of the Buckenbowra Creek, thence by a line bearing south-westerly to the confluence of Araluen Creek with the Deua River, and by that river, upwards, to the confluence of Moodong Creek, thence by that creek to its source, by a line to the source of Wianbene Creek, and by Wianbene Creek to the Shoalhaven River, by that river, upwards, to the confluence of Curranbene Creek, thence by a line westerly to Jerrabatgulla Creek, and by that creek to its source near Mount Tumanwong, and thence by the Great Dividing Range and the range dividing the waters of the Snowy River from those of the Bega, Towamba, and Genoa Rivers, to the boundary line between Victoria and New South Wales; on the south by that boundary to the sea at Cape Howe; and on the east by the sea to the Duras Water, aforesaid.

15. THE GLEBE.

GLEBE.—In the County of Cumberland; and bounded on the east by Bay-street, northerly, from the Parramatta Road, at the junction of the Newtown Road, to Blackwattle Swamp Cove; on the north and west by the waters of Port Jackson, and by Johnston's Creek, upwards, to the Orphan School Creek; on the south by that Creek, upwards, to the Parramatta Road; and by that road, easterly, to Bay-street aforesaid.

BALMAIN.—In the County of Cumberland; and bounded on the south-west, from Fig Tree Point, in Long Cove, by the roads forming the south-west boundaries of blocks 37, 38, 7, 9, 10, 17 and 19, of the Balmain Estate, to Johnston's Bay, at the south side of Glebe Island, and including that Island; and on the remaining sides by the waters of Port Jackson to Fig Tree Point, in Long Cove, aforesaid.

16. GOULBURN.

Embracing the Town and Suburbs of Goulburn, in the County of Argyle; commencing at the point where the east boundary of Francis Rossi's grant of 2,560 acres, called Rossiville, meets the Wollondilly River, and bounded thence, on the west, by that boundary, southerly, and by its continuation to the north-west corner of C. Thompson's 200 acres, and thence by the west boundary of that 200 acres; on the south by the south boundary of Thompson's 200 acres to the Mulwarec Ponds, and by the Mulwarec Ponds, downward, to the north boundary line of J. Thorn's 410 acres, by that boundary, easterly, to W. Bradley's 2,000 acres, and by the north boundaries of that 2,000 acres to the south-east corner of the Goulburn Reserve; on the east by the east boundary of that reserve, which forms a west boundary of Bradley's 2,000 acres, and the west boundaries of James Marsden's 55 acres 2 roods and 30 perches, and William Sidwell's 86 acres and 57½ acres; and on the north by the north boundary of the reserve, which forms the north boundary of J. J. Woodward's 11 acres and 32 perches, westerly, to the Wollondilly River, and by the Wollondilly River, upward, to the east boundary of Rossi's 2,560 acres, aforesaid.

17. THE GWYDIR.

Embracing the Pastoral District of Gwydir, the western portion of the Pastoral District of Liverpool Plains, and a small portion of the Pastoral District of Darling Downs; and bounded on the north by the range dividing the waters of the Macintyre Brook from those of the Dumaresq River, (known also as the Severn,) to the confluence of those streams, and by the Rivers Dumaresq and Barwan, (also there known as the Karaula or Macintyre,) downwards, to where the surveyed and marked track from the Balonne crosses the latter river, at a tree marked No. 87; thence by that track to Johnstone's Station, called Cunninghamdi, on the Mooni River; thence by a line to Sir Thomas Mitchell's Camp I, on the Culgoa, by the same line prolonged till it cuts the 28th parallel of south latitude, and by that parallel, westerly to the River Warrego; on the west by the River Warrego, downwards, to where the 29th parallel meets it; on the south by the 29th parallel to where it is cut by Mr. Kennedy's return track from the River Warrego, by that track to where the prolongation of a line from Pockataroo to the Rocky Ford on the Narran, in latitude 29 degrees 20 minutes south, cuts it, and by that line to where it is met by a line bearing due north from the confluence of the Bokhara River with the Barwan; on the west by the last described line to that confluence; again on the south by the Barwan River, upward, to the confluence of the River Namoi, and thence by the range dividing the waters of the Castlereagh and Namoi Rivers

and the Warrabangle Range; on the east from the last mentioned range by a line bearing northerly, passing between the heads of Tarrabeile and Brigalow Creeks, to a point on the Namoi River, about 2 miles above Dr. Milner's house at the Broadwater, and thence by a line bearing north-easterly passing between the heads of Goor and Maule's Creeks, to the range dividing the waters of the Namoi and Gwydir Rivers; and again on the south by that range, easterly, to the western boundary of the Pastoral District of New England; and again on the east by that boundary, being the fall at the western extreme of the table land, to the north-west corner of that district; and thence by a line bearing north to the range dividing the waters of the Macintyre Brook from those of the Dumaresq River, aforesaid.

18. HARTLEY.

Embracing the eastern portion of the County of Phillip, the northern portion of the County of Roxburgh, the western portions of the Counties of Hunter and Cook, the central portion of the County of Westmoreland, and the north-eastern portion of the County of Georgiana; and bounded on the north by the Goulburn River, downwards, from the confluence of Bylong Creek, to that of Widdin Creek; thence on the east by Widdin Creek to its head at Mount Coricudgy, thence by the Great Dividing Range, and the range forming the eastern watershed of Umbrella Creek, to the Colo River, at Sir John's Mouth; thence again on the north by the Colo River, downward, to the confluence of Wallanganbe Creek; again on the east by Wallanganbe Creek to its head, and by a line south-east to King George's Mountain, thence by a line to Mount Hay, thence by a line to the weather-board hut, thence by Jamison's Valley Creek to Cox's River, by that river, upward, to the confluence of the Kowmung River, by that river, upward, to the nearest source to Mount Collong, and by a line to that mountain; on the south by the range, thence, by Mount Murrain, to the main head of the Abererombie River, east of Mount Werong, and by the Abererombie River to the confluence of the Bolong River; and thence on the west by a line, northerly, to the Isabella River, at the north-east corner of Mrs. Murphy's 320 acres, at Ballyroc; by the Isabella River to its head in the range dividing the waters of the Abererombie and Campbell's Rivers, by that range easterly to the head of Fish River Creek, by that creek to the Fish River, and by that river, downward, to the confluence of Solitary Creek, by Solitary Creek to Rydal, where the Bathurst Road crosses that creek, by that road, westerly, to the Great Dividing Range, by that range northerly to the source of Williwa Creek, by Williwa Creek to the Turon River, by that river, downward, to the confluence of Round Swamp Creek, and thence by the range forming the western watershed of that creek, the range forming the southern watershed of Warragunna Creek, and a spur range to Cunningham's Creek opposite the confluence of the tributary falling into it from Mount Corcalgong; thence on the west by the western boundary of the County of Roxburgh, being Cunningham's Creek, upwards, a tributary which rises nearly south of the head of Cudgegong Creek, by a line northerly to the head of Cudgegong Creek, and that creek to its confluence with the Cudgegong River; thence by a line north, by compass, passing to the west of the village of Dungaree to the Great Dividing Range, and by that range, easterly, and the range forming the western watershed of Bylong Creek, to the confluence of that creek with the Goulburn River, aforesaid.

19. THE HASTINGS.

Embracing the County of Macquarie, the north-eastern portion of the County of Gloucester, and the Pastoral District of Macleay; and bounded on the north by a line west from the sea, near the Solitary Islands, to the range forming the southern watershed of the Clarence River, and by that range westerly; on the west by the east boundary line of the Pastoral District of New England, being a line south to Mount Werrikimbe, thence by a line to Mount Sea View, and thence by a line south-westerly, to the confluence of the Manning and Barnard Rivers; on the south by the Manning River, downward, to the confluence of the Gloucester River, thence by a line bearing south-easterly, to the corner of the Australian Agricultural Company's grant of 464,640 acres, near Millstone Hill, thence by the east boundary of that grant, southerly, to the Wollomba River, and by the Wollomba River and Wallis' Lake, to the sea, about 4 miles north-westerly from Cape Hawke; and on the east by the sea to near the Solitary Isles, aforesaid.

20. THE HAWKESBURY.

Embracing the south-western portion of the County of Northumberland, the south-eastern portion of the County of Hunter, the north-eastern portion of the County of Cook, and the north-western portion of the County of Cumberland; and bounded on part of the east by the North Road, from Wiseman's Ferry to Mount M'Quoid, in the range dividing the waters of the Wollombi Brook from those of Mangrove and Yengo Creeks; on the north by that range, the range dividing the waters of Marson's, Doyle's, and Greig's Creeks from those of the Maedonald River to Monundilla; thence by the range dividing the waters of the Widdin Creek from those of James' or Baerami Creek, and a spur range to Widdin Creek, about three miles below the junction of Blackwater Creek; on part of the west by Widdin Creek to its head at Mount Coricudgy; thence by the Great Dividing Range, and the range forming the eastern watershed of Umbrella Creek, to the Colo River, at Sir John's Mouth; on part of the south by the Colo River, downward, to the confluence of Wollunganbe Creek; again on the west by Wollunganbe Creek to its source, and thence again on the south by a line south-easterly, to King George's Mountain, thence by a line towards Mount Hay, to the River Grose, and by that river to its confluence with the Hawkesbury; thence by a line bearing south-easterly, to Rickaby's Creek, at the crossing of the Blacktown Road, and by that road to Eastern Creek; and again on the east by Eastern Creek to the north boundary of the Parish of Prospect, near the confluence of Breakfast Creek, by that boundary, bearing east to the Old Windsor Road, and by that road, and the Windsor Road, to its

its junction with the Pitt Town Road, at Vinegar Hill, thence by a line bearing north-easterly to William Suttor's grant of 50 acres, on the North Road, to Wiseman's Ferry; and again on the east by that road to the south-west angle of the Parish of Frederick, by the south-east boundary of that parish, to the Hawkesbury River, and by that river, upward, to Wiseman's Ferry, aforesaid: but excluding therefrom the Electoral District of Windsor.

21. THE HUNTER.

Embracing a southern portion of the County of Durham, and a northern portion of the County of Northumberland; and bounded on the north, from the Paterson River, at the south-east corner of J. P. Webber's 2,020 acres grant, by the southern boundary of that land, the northern boundary of T. Nowland's land, and a line north-westerly, across the Church grant and Government land, to the north-east corner of W. C. Wentworth's 1,034 acres; thence by the north boundary of that land, the south and west boundaries of Lambe's 2,560 acres, the north and west boundaries of Mitchell's 880 acres, and the north and west boundaries of Underwood's 1,500 acres, to the River Hunter, at the south-east corner of Gaggin's 2,000 acres grant; and thence by the River Hunter to the confluence of Black Creek; on the west by Black Creek to its western source, and thence by a line bearing south westerly to Broken Back Mountain; on the south by the range from that mountain towards the Sugar Loaf Range, to the source of Mulbering Creek; and on the east by Mulbering Creek and Wallis' Creek to the River Hunter, by the River Hunter, downward, to the north boundary of J. Brown's grant of 2,030 acres, called Bulwarra, by that boundary westerly to the Maitland and Paterson Road, by that road to the road to the Paterson River, at Lang's Mill, by that road to the Paterson River, and by that river, upward, to the south-east corner of J. P. Webber's grant, aforesaid: but excluding therefrom the Electoral District of West Maitland.

22. THE LOWER HUNTER.

Embracing the southern portion of the County of Gloucester, the south-eastern portion of the County of Durham, and a north-east portion of the County of Northumberland; and bounded on the north, from the sea, by the southern shores of Port Stephens to Sawyer's Point, thence by the line of road to Clarence Town, to the eastern boundary of Lowe and Marshall's 640 acres, by that boundary, and the south boundary of that land to the Williams River, and by that river to the south-east corner of Whitmore's 100 acres, thence by the south boundary of that land, and its continuation westerly, to the north-east corner of A. Fisher's 1,500 acres, thence by the north boundary line of that land, and the south boundary lines of D. C. Orpen's 320 acres, and W. H. Holmes' 320 acres, to the south-west corner of Holmes' 320 acres; thence on the west by the continuation southerly of the west boundary of that land passing through Government land, Hugh Torrens' 2,000 acres, and Andrew Dixon's 1,000 acres, forming the east boundary of Thomas Bartie's 2,560 acres, passing through Clyment's 2,000 acres, forming the western boundary of W. Hickey's 600 acres, and crossing the River Hunter, to the north-west corner of Francis Moran's 2,460 acres grant, thence by the western boundary of that grant and its southerly continuation to the south boundary of the parish of Alnwick; on the south by the southern boundary of that parish to the River Hunter, and by that river, and Fullerton Cove, to the south-west corner of Kenneth Snodgrass' 1,120 acres, thence by the south boundary of that land, and the north boundary of J. Smith's 640 acres, and their continuation to the sea; and on the east by the sea to Port Stephens, aforesaid.

23. THE UPPER HUNTER.

Embracing the County of Brisbane, the greater portion of the County of Bligh, the western portion of the County of Durham, and the north-western portion of the County of Hunter; and bounded on the north, from the source of the River Hunter, by the range dividing the waters of that river from those of the River Manning, to the Liverpool Range, by that range to the source of the Coolaburragundi River, and by the Coolaburragundi and Talbragar Rivers, to the confluence with the latter of a small creek two miles east of J. M. Lowe's 1,280 acres, called Balaro; thence on the west by that Creek to its source and by a connected ridge, thence, towards the junction of the Bell and Macquarie Rivers, to the road from Guntawang to Cobbora, and by that road to Wialdrar Creek; on the south by Wialdrar Creek to its source in the Great Dividing Range at the head of the Goulburn River, by that range to the source of the Goulburn River, by that river to the confluence of Widdin Creek, and by that creek to within about 3 miles of the confluence of Black Water Creek; thence by a spur range, and by the range dividing the waters of Widdin Creek from those of Baerami or James' Creek to Monundilla, and thence by the range dividing the waters of Greig's and Doyle's Creek from those of the Macdonald River; and on the east by the range dividing the waters of Parson's Creek and the Wollombi Brook from those of Doyle's Creek, to the south-west corner of the Jerry's Plains Reserve, and by the western boundary of that reserve, and its continuation northerly forming the eastern boundaries of Sharp's, Robertson's, Pringle's, and Macartney's lands, to the range dividing the waters of Muswellbrook, Saint Hillier's Brook, and the Rouchel Brook from those of the Salt Water Creek, Foybrook, and Fallbrook; and by that range, the Mount Royal Range, and the range dividing the waters of the River Hunter from those of the Manning, northerly, to the head of the River Hunter, aforesaid.

24. ILLAWARRA.

Embracing a north-eastern portion of the County of Camden, and a south-eastern portion of the County of Cumberland; and bounded on the north by a line, south-westerly, from the Coal Cliff, to the confluence of the Cataract Creek with the Cataract River, and by that river, downwards, to the confluence of Wallandoola Creek; on the west by that creek, upwards, to

a point due north of the confluence of Cordeaux River and Cordeaux Creek, thence by a line south to that confluence, thence by a line southerly to Mount Murray, in the Illawarra Range, and by that range, southerly, to the source of the Macquarie Rivulet; on the south by that rivulet to the Illawarra Lake, and by that lake to the sea, and on the east by the sea to the Coal Cliff, aforesaid.

25. IPSWICH.

Embracing the Town of Ipswich, in the County of Stanley; commencing at the north-west corner, 55 links west from a gum tree marked on four sides, at the junction of the Mehe Creek with the Bremer River, and bounded on part of the north by a line bearing east 71 chains 5 links to a stake on the Bremer River, bearing 118 degrees, and distant 21 links from a gum tree marked on four sides; on the remainder of the north by the north bank of the Bremer River, downwards, to a large gum tree marked on four sides; thence on the east by a line straight across the river, bearing south 42 degrees west to the termination on the opposite bank, of the west side of a road in the eastern suburbs, which divides James Gibbon's 9 acres 2 roods and 20 perches, and Robert Carter's 10½ acres, by that road southerly, and further by the southerly extension of said road 167 chains 60 links to a stake on the top of a moderately bold ridge, distant 28 links from a dead ironbark tree marked on four sides, bearing south 34 degrees 40 minutes east; on the south by a line bearing west 83 chains 65 links to a stake on Deebing Creek, 30 links from a large gum tree marked on four sides, at the junction of a small water-course, bearing south 22 degrees 30 minutes west; on the west by Deebing Creek, downwards, to the Bremer River, and by that river, downwards, to the junction of Mehe Creek, aforesaid.

26. KIAMA.

Embracing an eastern portion of the County of Camden; and bounded on the north by the Illawarra Lake, and the Macquarie Rivulet to its source; on the west by the Illawarra Range, and the middle source of the Kangaroo River, to a point due west from the head of the Crooked River; on the south by a line from that point to the head of the Crooked River, and by that river to the sea; and on the east by the sea to the Illawarra Lake, aforesaid.

27. THE LACHLAN.

Embracing a north-eastern portion of the Lachlan Pastoral District, and a south-west portion of the County of King; and bounded on the east by the Lachlan River, from the confluence of the Belubula River, to the confluence of Old Man Creek, at Wallah Wallah, thence by that creek to its head in the range dividing the waters of the Boorowa and Lachlan Rivers, by that range, southerly, the southern watershed of Pudman's Creek, and the range dividing the waters of Kiangaroo and Laiug's Creeks, to a point on the Boorowa River, one mile below the north-west corner of N. R. Besnard's 326 acres, thence by the Boorowa River, upwards, to the confluence of Hassall's Creek, thence up Hassall's Creek to its source in the range dividing the Yass and Boorowa Rivers, then by that range to the point where it joins the range dividing the Yass River and Jugiong Creek falls, thence by that range to the point where the spur branches, which terminates on the Murrumbidgee, at the confluence of the Yass River, and thence by that spur to the said confluence; thence on the south by the Murrumbidgee River, downwards, to the confluence of Jugiong Creek, thence by a spur range, and the range dividing the waters of Jugiong Creek from those of Kitticarrara and Mutta Muttama Creeks, to the range dividing the waters of the Murrumbidgee and Lachlan Rivers, by that range to its western termination, and thence by a line bearing north-west to the Lachlan River, at the confluence of the small creek which joins that river in the Boobungril Reserve; and on the north by that river, upwards, to the confluence of the Belubula River, aforesaid.

28. LIVERPOOL PLAINS.

Embracing the eastern portion of the Pastoral District of Liverpool Plains; bounded on the north by part of the northern boundary of the Pastoral District of Liverpool Plains, being the Nandewar Range, which divides the waters of the Namoi River from those of the Gwydir River; on the west by a line south westerly from that range passing between the heads of Goor and Maulc's Creeks, to the Namoi River, about 2 miles above Dr. Milner's house at the Broadwater, and thence by a line southerly, passing between the heads of Brigalow and Turrabeil Creeks, to the Warrabangle Range; on the south by that range and the Liverpool Range, easterly, to the eastern boundary of the Pastoral District of Liverpool Plains; and on the east by that boundary, being the western extreme of the table land of New England, to the Nandewar Range, dividing the waters of the Namoi and Gwydir Rivers, aforesaid.

29. EAST MACQUARIE.

Embracing the south-western portion of the County of Roxburgh, and a north-western portion of the County of Westmoreland; and bounded on the north, from the confluence of Williwa Creek with the Turon River, by that river downward, to the confluence of Round Swamp Creek, and thence by the range forming the western watershed of that creek, the range forming the southern watershed of Warragunna Creek and a spur range to Cunningham's Creek, opposite to the confluence of the tributary falling into it from Mount Corcalgong; by Cunningham's Creek and the Turon River to its confluence with the

the Macquarie; thence on the west by the Macquarie River, upward, to the confluence of Campbell's River, and by that river upward; on the south by Campbell's River to its source in the Great Dividing Range; thence on the east by the Fish River Creek to the Fish River, and by the Fish River to the confluence of Solitary Creek, thence by Solitary Creek to Rydal, where the Bathurst Road crosses that creek, by that road, westerly, to the Great Dividing Range, by that range, northerly, to the source of Williwa Creek, and by that creek to its confluence with the Turon River, aforesaid: but excluding therefrom the portion of the Electoral District of Bathurst on the east side of the Macquarie River.

30. WEST MACQUARIE.

Embracing the eastern portion of the County of Bathurst, and the north-eastern portion of the County of Georgiana; and bounded on the east and north by Campbell's River, from its source in the Great Dividing Range, to its confluence with the Macquarie River, and by that river, downward, to the confluence of Lewis Ponds Creek; thence on the west by the range forming the eastern watershed of Lewis Ponds Creek, to the range dividing the waters of the Macquarie and Belubula Rivers, and by that range, southerly, to the range dividing the waters of the Abercrombie and Macquarie Rivers; and on the south by that range, easterly, to the Great Dividing Range, at the source of Campbell's River, aforesaid: but excluding therefrom the portion of the Electoral District of Bathurst, on the west side of the Macquarie River.

31. EAST MAITLAND.

Embracing a northern portion of the County of Northumberland; and bounded on the north, from the boundary line between John Eales' 2,100 acres, and Francis Moran's 2,460 acres, by the road from Raymond Terrace to Maitland, westerly, to the west boundary of Joseph Moore's 2,560 acres, by that boundary, the west boundary of E. C. Close's 560 acres, and the south and west boundaries of Close's 2,050 acres to the River Hunter, and by the River Hunter, upward, to the confluence of Wallis Creek; on the west by Wallis Creek and Mulbering Creek, to the source of the latter in the Sugar Loaf Range; on the south and east by that range northerly to the Sugar Loaf Mountain, and thence by a line bearing north-easterly to a point in the south boundary of the parish of Alnwick, in a line with the western boundary of Moran's 2,460 acres, and by that line and boundary, northerly, to the Raymond Terrace Road, aforesaid.

32. WEST MAITLAND.

Embracing the Town of West Maitland, in the County of Northumberland; commencing at the River Hunter, at the confluence with the river of a creek dividing the allotments of Hall and Balcot, and bounded on part of the north by that creek, so far as it bears westerly, thence by a continued west line to the south-west corner of Hall's allotment; on the west by Balcot's western boundary, and its southerly continuation to P. F. Campbell's northern boundary line; again on the north by that boundary line bearing west to its north-west corner; again on the west by the western boundary line of Campbell and Luke Ralph's lands, to the north-west corner of J. T. Hughes' 4 acres; on part of the south by the northern boundary line of that land bearing east to Swamp Creek; on the remainder of the south and part of the east by that creek, to its confluence with Wallis' Creek; and thence by Wallis' Creek to its confluence with the River Hunter; and on the residue of the east and north by that river to the confluence of the creek, dividing the allotments of Hall and Balcot, aforesaid.

33. MONARO.

Embracing the western portion of the Pastoral District of Monaro and a small portion of that of Murrumbidgee; and bounded on the north by the south boundary of the County of Murray, being, from Mount Tumanwong, a small creek falling to the Queanbeyan River, that river, downward, to the confluence of Tinderry Creek, that creek to its source at Tinderry Pies, and Micaligo Creek, thence, to the Murrumbidgee River; thence by the Murrumbidgee River, upwards, to the confluence of Gap Creek; and thence by the Gap Creek and the tributary to it, which rises at Mount Clear; thence by the range which separates the falls going direct to the Murrumbidgee, from those going to Necco Valley Creek, the Gudjanby, Cotter, and Goodradigbee Rivers, until that range joins the main range between the Tumut and Murrumbidgee; and by that range until it joins the Great Dividing Range; on the west by the Great Dividing Range to the boundary between New South Wales and Victoria; on the south by that boundary, easterly, to the range dividing the waters of the Snowy River from those of the Genoa, Towamba, and Bega Rivers; and on the east by that range, northerly, to the Great Dividing Range, and by the Great Dividing Range, northerly, to the south boundary of the County of Murray, aforesaid.

34. EAST MORETON.

Embracing parts of the Counties of Canning, Stanley, and Ward, and part of the Pastoral District of Moreton; and bounded on the north by the Glass House Range, from the Glass House Mountain to the sea; on the east by the sea to Point Danger; including all the islands between that point and the point where the Glass House Range meets the sea; thence on the south by the range dividing the waters of the Logan and other rivers, from those of the Clarence, Richmond, and Tweed Rivers; on the west by the range dividing the waters

waters of the Logan River from those of the Teviot Brook, and the range dividing the waters of that brook and Crow's Creek, to a point in the latter due south of Kent's Peak; thence by a line to Kent's Peak, and by the Mount Flinders Range to Mount Goolman; thence by a line north-easterly to the head of Woogaroo Creek, and by that creek to its confluence with the River Brisbane; thence by a spur of D'Aguillar's Range, and by that range to the Glass House Mountain, aforesaid: but excluding therefrom the Electoral District of Brisbane.

35. WEST MORETON.

Embracing parts of the Counties of Canning, Cavendish, Churchill, Stanley, and Ward, and part of the Pastoral District of Moreton; and bounded on the north by the range dividing the waters of the River Burnett from those of the River Brisbane, from the Great Dividing Range to "Jemma," and thence by the Glass House Range to the Glass House Mountain; thence, on the east, by D'Aguillar's Range, and a spur from that range to the confluence of Woogaroo Creek with the River Brisbane, and by Woogaroo Creek to its source; thence by a line, south-westerly, to Mount Goolman, and by the Mount Flinders Range to Kent's Peak; thence by a line, bearing south, to the range dividing the waters of Teviot Brook from those of Crow's Creek, and by that range and the range dividing the waters of Teviot Brook and the Logan River, to the range dividing the waters of the Logan and other rivers from those of the Clarence, Richmond, and Tweed Rivers; on the south by that range to the Great Dividing Range; and on the west by that range to the range dividing the waters of the Brisbane and Burnett Rivers, aforesaid: but excluding therefrom the Electoral District of Ipswich.

36. MORPETH.

Embracing a southern portion of the County of Durham, and a northern portion of the County of Northumberland; and bounded on the east, from the point where the road from Maitland to Raymond Terrace meets the boundary line between John Eales' 2,100 acres and Francis Moran's 2,460 acres, by the western boundary of Moran's 2,460 acres northerly to the River Hunter, and by a line crossing the River Hunter to the south-west corner of W. Hickey's 600 acres; thence by the western boundary of that land and its continuation northerly through Clyment's 2,000 acres, forming the eastern boundary of Thomas Bartie's 2,560 acres, and passing through Andrew Dixon's 1,600 acres to the south boundary of Hugh Torrens' 2,000 acres; on the north by that boundary westerly to the south-west corner of that land, by a line thence to the south-east corner of W. Dunn's 1,300 acres, and by the south boundary of that land to the River Paterson; on the west by the River Paterson, downward, to where the road from the Maitland and Paterson Road to Lang's Mill meets that river, thence by that road to the Maitland and Paterson Road, by that road, southerly, to the north boundary of J. Brown's 2,030 acres, called Balwarra, by that boundary, easterly, to the River Hunter, by that river, upwards, to the west boundary line between J. Griffiths' 200 acres and E. C. Close's 2,050 acres, by the west and south boundaries of Close's 2,050 acres southerly, and easterly, and by the west boundaries of Close's 560 acres, and Joseph Moore's 2,560 acres, southerly, to the road from Maitland to Raymond Terrace; and on the south by the road from Maitland to Raymond Terrace, easterly, to the boundary line between John Eales' and Francis Moran's land, aforesaid.

37. THE LOWER MURRAY.

Embracing a portion of the Pastoral District of Murrumbidgee; and bounded on the east by a direct line from Werinmunah, or Woore's Hill, near the Murray River, northerly, to the confluence of the Colombo and Billabong Creeks, excluding Mr. Atkins' run on the Billabong, and including Messrs. Osborne's run on the Colombo, and Pepper's run on the Yanko; on the north by the back, or northern boundary of all the runs fronting to the Billabong Creek, and to the Edward River, below that creek, westerly, to the dividing line between the Messrs. Sylvester and Smith's and Mr. Guerson's runs; on the west by that boundary, southerly, to the confluence of the Edward and Wakool Rivers, by the Wakool to its confluence with the Murray, and by the Murray River upward; and on the south by the Murray River, upward, to a point due south of Woore's Hill, and thence by a line to Woore's Hill, aforesaid.

38. THE UPPER MURRAY.

Embracing part of the Pastoral District of Murrumbidgee; and bounded on the south by the boundary between New South Wales and Victoria, being the Indi River, downwards, from its source in the Great Dividing Range, to its confluence with the River Murray, and by the Murray, downward, to a point south of Werinmunah or Woore's Hill; on the west by a line north to Woore's Hill, and thence by a direct line, northerly, to the confluence of the Colombo and Billabong Creeks, including the whole of Atkins' run on the Billabong; on the north by the boundary line between those runs fronting on the Billabong Creek, and those fronting on the Cookejedong Creek, the Uranna Lake, Uranna and Urangeline Creeks, and on to Wollondoon Hill, thence by the leading range round the southern sources of the Urangeline Creek, until it joins the range dividing the Mittagong and Yerong Creeks, from Doodle Swamp Falls, and Buckargina Falls, until that range joins the main range between the Murray and Murrumbidgee, thence by that range, easterly, until it joins the Great Dividing Range, and on the east by that range, southerly, to that source of the Indi River, which divides the Colonies of New South Wales and Victoria, aforesaid.

39. THE MURRUMBIDGEE.

Embracing portions of the Pastoral District of Murrumbidgee and the Lachlan ; and bounded on the east by a spur range, which commences on the Murrumbidgee, at the lower end of Jones' Flat, and forms the boundary between Hillas' Yabtree Run, and Gordon's Borambola Run, until it joins the dividing range between the Tarcatta and Yaven Yaven Creeks, and by that range until the spur branches which leads over Bago Hill, and terminates on the Tarcatta Creek, about 1 mile below the Bago Inn ; then crossing the Tarcatta Creek, and immediately ascending the spur range which joins the main range between the Murray and Murrumbidgee Rivers ; on the south by that range, westerly, to the head of Buckargina Creek ; then by the leading range between the Buckargina Creek and the Yerong and Mittagong Creeks, and continuing along the leading range to Wollondoon Hill ; thence by the boundaries between the runs fronting on the Urangeline Creek, Uranna Lake, Uranna Creek, and Cookejedong Creek, from those fronting on the Billabong ; thence up the Colombo to the upper end of Osborne's Run ; thence by the boundaries of Messrs. Osborne's run on the Colombo, and Pepper's run on the Yanko, excluding both those runs, to the north-east corner of Pepper's run, thence, by the northern boundary of all the runs fronting on the Yanko and Billabong Creeks until such boundary reaches a point exactly south of the boundary between M'Leay's Mulberrygong Run, and Clarke's Burrabogie Run ; on the west by a line north to that boundary, and by that boundary to the Murrumbidgee River, by that river, downward, to the boundary between Rae's Uardry Run, and Oak's Beabula Run, thence by a line north to the Lachlan River, at a point 5 miles below the Ballanjerambal Reserve ; on the north by the Lachlan River, upwards, to the small creek which joins the river in the Boobungril Reserve, thence by a line bearing south-east to the range dividing the waters of the Lachlan and Murrumbidgee Rivers, and by that range, easterly, to the range dividing the waters of Jugiong Creek from those of Mutta Mutama and Kitticrara Creeks, and again on the east by that range, and a spur range to the confluence of Jugiong Creek with the Murrumbidgee River, and by that river, downward, to a point opposite to the spur range at the lower end of Jones' Flat, aforesaid.

40. NARELLAN.

Embracing the southern portion of the County of Cumberland ; and bounded on the north, from Wattamolla, on the sea coast, by a line bearing north-westerly to the northern boundary of John Lucas' grant on Woronora Creek ; thence by a line, westerly, crossing Deadman's Creek, to the south-east corner of the parish of Minto, by the south boundary of that parish, westerly, to the Campbelltown Road, and by the cross road, thence, to the Cowpasture Road ; by the Cowpasture Road, northerly, to Carne's Hill ; and thence by the Bringelly Road to Bringelly Creek, and by that creek to the Nepean River ; on the west by the Nepean River, upward, to the confluence of the Cataract River ; on the south by that river, upwards, to the confluence of Cataract Creek ; and thence by a line, easterly, to the Coal Cliff ; and on the east by the sea, to Wattamolla, aforesaid.

41. THE NEPEAN.

Embracing an eastern portion of the County of Cook, and a western portion of the County of Cumberland ; and bounded on the north, from Eastern Creek, by the Black Town Road to Rickaby's Creek, thence by a line bearing north-westerly to the confluence of the River Grose with the Nepean, and by the River Grose to Mount Hay ; thence on the west by a line bearing south-westerly, to the Weatherboard Hut ; and thence by Jamison's Valley Creek to a point 4 miles northerly from Cox's River ; thence on the south by a line bearing east to the range forming the northern watershed of Cox's River, and by that range and the range forming the northern watershed of the Warragamba River, to the confluence of that river with the Nepean, by the Nepean River, upward, to Bringelly Creek, by that creek to the Bringelly Road, and by that road, easterly, to South Creek ; and on the east by South Creek, downward, to the Orphan School Road, by that road, easterly, to the old Cowpasture Road, by that road, northerly, by the west boundary of the Parish of Saint Luke, northerly, and the south boundary of the Parish of Prospect, westerly, to Eastern Creek, and by that creek, downward, to the Black Town Road, aforesaid.

42. NEWCASTLE.

Embracing the City of Newcastle, in the County of Northumberland ; and bounded on the north, from Nobby Island, by the waters of Port Hunter to Throsby's Creek, by Throsby's Creek to the creek which joins it opposite to the south end of Bullock Island, and by that creek to the bridge which crosses it in Blanc-street ; thence by the north side of Blanc-street westerly, and the north side of Chariton-street westerly to a point 16 chains westerly from the bridge ; thence on part of the west by a line bearing south 27 degrees west 11 chains ; on part of the south by a line bearing east 27 degrees south 42 chains ; again on the west by a line bearing south 27 degrees west 56 chains ; again on the south by a line bearing east 27 degrees south to the sea ; and on the east by the sea to Nobby Island, aforesaid.

43. NEW ENGLAND.

Embracing the southern portion of the Pastoral District of New England ; and bounded on the north by the range forming the southern watershed of the Clarence River westerly, to Ben Lomond, thence by the range dividing the waters of the Macintyre and Gwydir

Gwydir Rivers, the range dividing the waters of Cope's Creek and Tienga Creek, and the northern watershed of the latter creek, to the confluence of that creek with the Bundarra or Gwydir River, and thence by that river, downward, to the western boundary of the New England District, being the western extreme of the table land; on the west by that boundary, southerly, to the Great Dividing Range, and by that range, southerly, to the source of the Manning River; on the south by the Manning River, to its confluence with the Barnard River, and on the east by a line thence, north-easterly, to Mount Sea View, by a line thence, northerly to Mount Werrikimbe, and by a line thence, north by compass, to the range forming the southern watershed of the Clarence River, aforesaid.

44. NEWTOWN.

In the County of Cumberland; and bounded on the north, commencing at the intersection of Botany and Cleveland streets, by the boundary of the City of Sydney, being Cleveland-street, westerly, and its extension to the Newtown Road, and the Newtown Road; northerly, to the Parramatta Road, by the Parramatta Road, westerly, to Orphan School Creek, and by that creek downward to Johnston's Creek; on the west by Johnston's Creek, upward, to the Railway line, by Liberty-street, Kingston, to the Stanmore Road, by the Stanmore Road to the Enmore Road, by the Enmore Road, southerly, to Juliet-street, and by Juliet-street, Harrow Road, and Edgeware Road, to Lord-street, Bello Retiro; on the south by Lord-street, easterly, to the Newtown Road, by that road, northerly, to the north boundary of Burt's 30 acres grant, and by that boundary, which forms the south boundary of Macdonald Town, easterly, to the west boundary of the Waterloo Estate; and on the east by the west boundary of the Waterloo Estate, and the boundary between that Estate and J. King's grant, called Kings Clear, J. Chisholm's grant, and Chippendale's grant, to Botany-street, and by Botany-street, northerly, to Cleveland-street, aforesaid.

45. NORTHUMBERLAND.

Embracing the north-eastern portion of the County of Northumberland, and a southern portion of the County of Gloucester; and bounded on the north, from a point on the sea shore in a line with the north boundary of J. Smith's 640 acres, by that line, Smith's north boundary line, and the south boundary of Kenneth Snodgrass' 1,120 acres, to Fullerton Cove; by Fullerton Cove and the River Hunter to the south-east corner of the parish of Alnwick; and by the south boundary of that parish to a point in line with the western boundary of Francis Moran's 2,400 acres grant; thence on the west by a line bearing south-westerly to the Sugar Loaf Mountain, and by the Sugar Loaf Range to the source of Dora Creek; on the south by Dora Creek and a line, easterly, from its mouth, through Lake Macquarie, to the sea at Reid's Mistake; and on the east by the sea to a point in a line with Smith's north boundary line, aforesaid: but excluding therefrom the Electoral District of Newcastle.

46. ORANGE.

Embracing the southern portion of the County of Wellington, and a north-western portion of the County of Bathurst; and bounded on the north by Curragurra Creek, from its confluence with the Macquarie River to its source; thence by a line to the source of Larras Lake, and by Larras Lake to the Bell River; thence on the west by the Nandillion Ponds, upwards to the north-west corner of Joseph Taylor's 2,560 acres, and by the western boundary of that land to the Molong Rivulet; thence by that rivulet to the Boreenore Creek, and by that creek to its head, and thence by a line southerly to the Conobolas, thence by a line southerly to the source of the Panuara Rivulet, and by that rivulet to the section line forming the north boundary of the Church and School Estate, on the Belubula River; on the south by that section line, the north boundary of the Church and School Estate, and the section line forming that boundary, and dividing Smith's and Simmons' lands from Orr's 1,920 acres, and a village reserve, easterly, to the range dividing the waters of the Belubula River from those of the Macquarie; and on the east by that range to the range forming the eastern watershed of Lewis Ponds Creek, and by that range to the junction of Lewis Ponds Creek with the Macquarie River, and by that river, downward, to the confluence of Curragurra Creek, aforesaid.

47. PADDINGTON.

PADDINGTON:—In the County of Cumberland; and bounded on the east, from Double Bay, by the stream on the east side of the Village of Double Bay, to William-street in that Village, by William-street, easterly, to the South Head Road, by the South Head Road, westerly, to Bay-street, by Bay-street, southerly, to Trafalgar Crescent, by Trafalgar Crescent, southerly, to Wallis-street, by Wallis-street, westerly, to Nelson-street, and by Nelson-street, southerly, to the Old South Head Road; on the south by that road, westerly, to the junction of the Point Piper Road, thence by a line, south-westerly, to the south-east corner of Charles Gordon's 2 acres, and by the south boundary of that land to its south-west corner, thence by a line, westerly, to the south-east corner of the Victoria Barracks wall, by the eastern, northern, and western walls of the Barracks, to the south-west corner thereof, and thence by a line, westerly, to Dowling-street, at the junction of Fitz Roy-street; on the west by part of the east boundary of the City of Sydney, being Dowling-street, northerly, to the Old South Head Road, and the stream, thence, to Rush-cutter's Bay; and on the north by the waters of Port Jackson, to the stream at the east side of Double Bay, aforesaid.

SURRY HILLS AND REDFERN:—In the County of Cumberland; and bounded on the north by the south boundary of the City of Sydney, being Cleveland-street, westerly, from Dowling-street to Botany-street; on the west by Botany-street, southerly, the south boundary of the Chippendale Estate, westerly, and the Botany Road, southerly, to the stream from the Waterloo wool-washing establishment; on the south by that stream, the Waterloo Dam, and the south boundary of the Mount Lachlan Estate, to the west boundary of the Sydney Water Reserve; and on the east by that boundary and Dowling-street, northerly, to Cleveland-street, aforesaid.

48. PARRAMATTA.

Embracing the Town of Parramatta, in the County of Cumberland; and bounded on the east, by a line from the Parramatta River, at a point opposite to the mouth of Clay Cliff Creek, bearing north 1 degree west, 55 chains and 30 links, and passing along the Orphan School Road to the north side of the Kissing Point Road; thence, on the north, by a line bearing west $18\frac{1}{2}$ degrees north 124 chains and 40 links, to the western side of the Windsor Road, near the Darling Mills Bridge; on the west by lines bearing south 34 degrees west 24 chains and 50 links, south $2\frac{1}{2}$ degrees west 75 chains and 70 links, to a bridge over Domain Creek, thence south 20 degrees east, 46 chains and 90 links, crossing the western road, and south $21\frac{3}{4}$ degrees east 40 chains and 50 links; on the south by lines bearing east $19\frac{1}{4}$ degrees north, 40 chains, crossing the Sydney Road, and east $28\frac{1}{2}$ degrees north 56 chains; and again on the east by a water course to Clay Cliff Creek, and by that creek to the Parramatta River, aforesaid.

49. THE PATERSON.

Embracing a midland and northern portion of the County of Durham; and bounded on the north by the range at the head of the Allyn and Paterson Rivers; on the west by the Mount Royal Range, and the range dividing the waters of Glendon Brook from those of the Paterson River, to a point in a line with the eastern boundary of Gaggin's 2,000 acres grant on the River Hunter, and by that line and the eastern boundary of Gaggin's land, to the north-west corner of Underwood's 1,500 acres grant; on the south by the north boundary of that land, the west and north boundaries of J. Mitchell's 880 acres, the west and south boundaries of Lamb's 2,560 acres, and the north boundary of W. C. Wentworth's 1,034 acres, to its north-east corner; thence by a line south-easterly across Government land and the Church Grant to the north-west corner of Nowland's land, and by the north boundary of that land, and the south boundary of J. P. Webber's 2,020 acres, and crossing the Paterson River, to the south-west corner of W. Dunn's 1,300 acres grant, by the south boundary line of that grant, to its south-east corner, by a line thence, easterly, to the south-west corner of Hugh Torrens' 2,000 acres; and thence by the south boundary of that land, to the range dividing the waters of the Allyn and Paterson Rivers from those of the Williams River; and on the east by that range, northerly, to the range at the head of the Allyn and Paterson Rivers, aforesaid.

50. PATRICK'S PLAINS.

Embracing a southern portion of the County of Durham, the north-eastern portion of the County of Hunter, and the north-western portion of the County of Northumberland; and bounded on the north by the range from the Mount Royal Range, westerly, dividing the waters of the Rouchel Brook, Saint Hillier's Brook, and Muswellbrook, from those of Falbrook, Foybrook, and the Salt Water Creek; on the west by that range and the section line forming the eastern boundaries of Macartney's, Pringle's, Robertson's, and Sharpe's lands, and the western boundary of the Jerry's Plains Reserve, to the south-west corner of that reserve, and thence by the range dividing the waters of Parson's Creek and the Wollombi Brook from those of Doyle's Creek; on the south by the range dividing the waters of the Macdonald River from those of Parson's Creek, the range dividing the waters of Werong and Drew's Creek, and a spur range to the Wollombi Brook, and thence by a spur range and the range forming the northern watershed of Culawine and Cedar Creeks to the Broken Back Mountain; and on the east by a line north-easterly to the western source of Black Creek, by that creek to the River Hunter, and by the River Hunter, downward, to the south-east corner of Gaggin's 2,000 acres grant; thence by the eastern boundary of that grant, and its continuation, northerly, to the range dividing the waters of Glendon Brook from those of the Paterson River, by that range, northerly, to the Mount Royal Range, and by that range, aforesaid.

51. QUEANBEYAN.

Embracing the greater portion of the County of Murray, and part of the Murrumbidgee Pastoral District; bounded on the north, from Welowolar Mountain, by the ridge north-westerly to Alianoyonyiga Mountain, and thence by a small gully to Lake George, at the Village Reserve at Kenny's, thence by the northern margin of Lake George, and by Cullarin Range to the source of Gundaroo Creek, and by that creek to its confluence with the Yass River, thence by a line bearing south-west to the range connected with One-tree Hill, and by that range to One-tree Hill, and thence by a line bearing west to the Murrumbidgee River, thence by that river, downwards, to the spur range which commences on the left bank of the Murrumbidgee, about ($\frac{3}{4}$) half a mile below Yeumbera, (and which forms the boundary between the Yeumbera and Cavan Ranges,) then by that range until it joins the range between the Murrumbidgee, and Cavan Mountain Creek; on the west by the last-named range until it joins the range between the Murrumbidgee and Goodradigbee Rivers; by the last-named range, until the spur branches, which divides the

waters falling into the Flea Creek from those going into the Goodradigbee above the Flea Creek, and by that range to its termination at the confluence of the Flea Creek with the Goodradigbee River; thence by the spur range which commences immediately opposite the said confluence, and leads to the main dividing range between the Goodradigbee and Tumut Rivers, thence by that range and the range dividing the falls going direct to the Murrumbidgee from those going to the Goodradigbee, Cotter, and Gudjanby Rivers, and Neece Valley Creek to Mount Clear; thence on the south by a tributary of Gap Creek, and by that creek to the Murrumbidgee, and by that river, downward, to the confluence of Micaligo Creek, by that creek to its head at the Tinderry Pies, thence by a line to the head of Tinderry Creek, by that creek to the Queanbeyan River, and by that river to its head near Mount Tumanwong; and on the east by the Gourcock Range to the Wollowolar Mountain, aforesaid.

52. ST. LEONARDS.

Embracing the north-eastern portion of the County of Cumberland; and bounded on the north by the Hawkesbury River, from the sea, at Broken Bay, to Cowan Creek; on the west by the west boundaries of the Parishes of Broken Bay, Gordon, and Hunter's Hill, to the Parramatta River, at Pennant Hills Wharf; on the south by the Parramatta River and Port Jackson to the sea; and on the east by the sea to Broken Bay, aforesaid.

53. SHOALHAVEN.

Embracing the south-eastern portion of the County of Camden, and the northern portion of the County of St. Vincent; and bounded on the north by the Crooked River, and a line due west, from the head of that river, to Kangaroo River, by the Kangaroo River to the Shoalhaven River and by that river, upwards; on the west by the Shoalhaven River to the confluence of the Hindrick River; on the south by the range forming the northern watershed of that river, the range dividing the Shoalhaven and coast waters, the Pigeon House Range and the range dividing the Clyde River and coast waters, southerly, to the Duras water, and by the Duras water to the sea, about 2 miles south of Point Upright; and on the east by the sea to the Crooked River, aforesaid.

54. EAST SYDNEY.

Embracing the eastern portion of the City of Sydney; and bounded on the west, from the landing place at Dawes' Battery Point, by the road thence to George-street, and by George-street, southerly, to Liverpool-street, by Liverpool-street, easterly, to Elizabeth-street, and by Elizabeth-street, southerly, to Cleveland-street; on the south by Cleveland-street, easterly, to Dowling-street; on the east by Dowling-street, northerly, to its intersection with the Upper South Head Road, and thence by the stream falling into Rushcutter's Bay, to that bay; and on the north by the waters of Port Jackson to Dawes' Battery Point, aforesaid.

55. WEST SYDNEY.

Embracing the western portion of the City of Sydney, and a small portion beyond the western boundary of the City; and bounded on the east, from the landing place at Dawes' Battery Point, by the road thence to George-street, and by George-street, southerly, to Liverpool-street, by Liverpool-street easterly to Elizabeth-street, and by Elizabeth-street southerly to Cleveland-street; on the south by Cleveland-street westerly, and by its extension to the Newtown Road; on the west by the Newtown Road, northerly, to Parramatta-street, and thence by Bay-street to Blackwattle Swamp Cove, and by that cove; and on the north by the waters of Port Jackson to Dawes' Battery Point, aforesaid.

56. TENTERFIELD.

Embracing the northern portion of the Pastoral District of New England, and a small portion of that of Darling Downs; and bounded on the north, from the Great Dividing Range, by a line bearing west to the point where the Darling Downs Road crosses Quart-pot Creek; thence by a line bearing north-west to the range dividing the waters of the Dumaresq River, (known also as the Severn,) from those of the Macintyre Brook; and by that range westerly to a point due north of the north-west corner of the New England District; on the west by a line to the said corner, and by the western boundary of the New England District, being the western extreme of the table land, to the Bundarra or Gwydir River, and by that river, upward, to the confluence of Tienga Creek; thence, on the south, by the northern watershed of Tienga Creek, the range dividing the waters of that creek and Cope's Creek, and the range dividing the waters of the Macintyre and Gwydir Rivers, to Ben Lomond; and thence by the range forming the southern watershed of the Clarence River, to the east boundary of the New England District; on the east by that boundary, northerly, being a line north from Mount Werrikimbe, to a point east of the Bolivia Range, by a line west, to a point south of the point on the (northern) Rocky River, about 5 miles east of Frocester, where the banks close in abruptly, and by a line north, crossing the Rocky River at that point, to the Great Dividing Range; and again on the north by that range, south-westerly, to the point east of the crossing place of the Darling Downs Road, over Quart-pot Creek, aforesaid.

57. THE TUMUT.

Embracing part of the Pastoral District of Murrumbidgee; and bounded on the north, from the confluence of Jeremiah Creek, by the Murrumbidgee River, downward, to a point opposite to the spur range, at the lower end of Jones' Flat, which forms the boundary

boundary between Hillas' Yabtree Run and Gordon's Borambola Run; on the west by that spur range, to the range dividing the waters of the Tarcatta and Yaven Yaven Creeks, and by that range, southerly, until the spur branches, which leads over Bago Hill, and terminates in the Tarcatta Creek, about 1 mile below the Bago Inn; then crossing Tarcatta Creek, and immediately ascending the spur range, which joins the range dividing the waters of the Murray and Murrumbidgee Rivers; on the south by that range, easterly, to the Great Dividing Range; and on the east by the Great Dividing Range, northerly, the range dividing the waters of the Tumut and Goodradigbee Rivers, the range dividing the waters of Adjungbilly Creek from those of the Goodradigbee River and Macpherson's Swamp, and the spur range forming the eastern watershed of Jeremiah Creek, to the confluence of that creek with the Murrumbidgee River, aforesaid.

58. WELLINGTON.

Embracing the north-western and midland portions of the County of Wellington, the southern portion of the County of Bligh, a portion formerly in the Pastoral District of Bligh which is now within the Settled Districts, and a portion of the Pastoral District of Wellington; and bounded on the north from Wialdrar Creek, near its confluence with the Cudgegong River, by a road, north-westerly, from Guntawang to Cobhora, to the range forming the western boundary of the County of Bligh, by that range, which partly divides the waters of the Talbragar and Macquarie Rivers, south-westerly, to within 10 miles of the Town of Wellington, and by the boundary of the Settled Districts, (being a curved line including all lands within 10 miles from any point of the outward limits of the said town,) westerly; on the west by that boundary of the Settled Districts, southerly, to the Countombal Mountains, and by the range thence, forming the western watershed of the Bell River, southerly, to the Canobola Mountains; thence, on the east by the Boreenore Creek, to the Molong Rivulet, by that creek, upwards, to the west boundary of Joseph Taylor's 2,560 acres, by that boundary, northerly, to the Nandillion Ponds, and by those ponds, downwards, to the confluence of Larra's Lake; on the south by Larra's Lake to its head, by a line to the head of Currugurra Creek, by that creek to the Macquarie River, by that river, upward, to the confluence of the Turon River, and by that river, upward, to the confluence of Cunningham's Creek; again on the east by Cunningham's Creek, upward, and by a tributary which rises nearly south of the head of Cudgegong Creek, to the range dividing the waters of the Cudgegong and Macquarie Rivers; again on the north by that range, which forms the southern watershed of the Meroo Creek, to the confluence of the Meroo Creek with the Cudgegong River; and again on the east by the Cudgegong River, upward, to Wialdrar Creek, and by that creek to the road from Guntawang to Cobhora, aforesaid.

59. THE WILLIAMS.

Embracing the north-eastern portion of the County of Durham, and the north-western and midland portions of the County of Gloucester; and bounded on the north from the sea coast, at the entrance to Wallis' Lake, about 4 miles north-westerly from Cape Hawke, by Wallis' Lake to the mouth of the Wollomba River, by that river to an eastern boundary line of the Australian Agricultural Company's grant of 464,640 acres, and by that boundary, bearing north, to the corner of that grant, near Millstone Hill; thence by a line bearing north-westerly to the confluence of the Gloucester River with the Manning River, and by the Manning River to its source; on the west by the range dividing the waters of the Hunter and Manning Rivers, and the range dividing the waters of the Allyn and Paterson Rivers from those of the Williams River, to the southern boundary of Hugh Torrens' 2,000 acres; on the south by that boundary to the point where it is intersected by the northerly continuation of the eastern boundary line of Thomas Bartie's 2,560 acres; thence by that continuation to the south-west corner of W. H. Holmes' 320 acres; thence by the south boundaries of that land and D. C. Orpen's 320 acres, the north boundary of A. Fisher's 1,500 acres, its easterly continuation, and the south boundary of Whitmore's 100 acres to the Williams' River; thence by that river, and the south and eastern boundaries of Lowe and Marshall's 640 acres, to the road from Clarence Town to Sawyer's Point; by that road, easterly, to Sawyer's Point, Port Stephens, and by Port Stephens to the sea; and on the east by the sea to the entrance to Wallis' Lake, aforesaid.

60. WINDSOR.

WINDSOR:—Embracing the Town of Windsor, in the County of Cumberland; commencing at the point where the western side of Palmer-street meets South Creek, and bounded thence by South Creek to a stake situated on the bank of the creek in Fitzgerald's farm; from this stake by a line bearing west 91 chains to another stake; from this by a line passing the north fence of land belonging to the Benevolent Asylum, bearing west 34 degrees north 52 chains 80 links to a marked dead stump on Rickaby's Creek; from this stump by Rickaby's Creek to the Hawkesbury River, by the Hawkesbury River to the point where the western side of Palmer-street meets that river, and thence by the western side of Palmer-street to South Creek aforesaid. And embracing the Town of Richmond, in the County of Cumberland; commencing at a marked post at the south-west corner of Wm. Townsend's land, from thence along Wilson's fence to the southern corner post, being a line bearing south 27 degrees west 12 chains 12 links; from thence a line to the south-east corner of the Catholic Burial Ground allotment, bearing south 35 degrees 3 minutes west 29 chains 10 links; from thence to the north-east corner post of the fence of Luttrell's 400 acres, being a line bearing south 62 degrees 9 minutes west 19 chains 66 links; from thence along the fence dividing it from the road to Penrith, being a line bearing south 38 degrees

degrees 20 minutes west 55 chains 27 links; from thence along the fence dividing it from the common to the corner post on the south side of the road to the Kurrajong, being a line bearing west 40 degrees north 81 chains 75 links; from thence a line crossing the road and along a fence as far as it goes, and then a continuous line to a stake on the west side of Pugh's Lagoon, bearing north 38 degrees 10 minutes east 76 chains 30 links; from thence a line across the lagoon to the commencing corner post, bearing east 16 degrees south 86 chains 70 links.

RICHMOND :—Embracing the Town of Richmond, in the County of Cumberland; commencing at a marked post at the south-west corner of William Townsend's land, from thence, along Wilson's fence, to the southern corner post, being a line bearing south 27 degrees west 12 chains 12 links; from thence a line to the south-east corner of the Catholic Burial Ground allotment, bearing south 35 degrees 3 minutes west 29 chains 10 links; from thence to the north-east corner post of the fence of Luttrell's 400 acres, being a line bearing south 62 degrees 9 minutes west 19 chains 66 links; from thence along the fence dividing it from the road to Peurith, being a line bearing south 38 degrees 20 minutes west 55 chains 27 links; from thence along the fence dividing it from the common to the corner post on the south side of the road to the Kurrajong, being a line bearing west 40 degrees north 81 chains 75 links; from thence a line crossing the road and along a fence as far as it goes, and then a continuous line to a stake on the west side of Pugh's Lagoon, bearing north 38 degrees 10 minutes east 76 chains 30 links; from thence a line across the lagoon to the commencing corner post, bearing east 16 degrees south 86 chains 70 links.

61. THE WOLLOMBI.

Embracing the midland and south-eastern portions of the County of Northumberland; and bounded on the north by a line from Reid's Mistake, at the entrance to Lake Macquarie, through Lake Macquarie, westerly, to Dora Creek, by Dora Creek to the range dividing the waters of Wollombi Brook from those of Lake Macquarie, and by that range northerly, the Broken Back Range westerly, the range forming the northern watershed of Culawine and Cedar Creeks, and a spur range to the Wollombi Brook, and thence by a spur range, and the range dividing the waters of Werong and Drew's Creeks, to the range dividing the waters of Wollombi Brook and the Macdonald River; on the west by the range dividing the waters of Wollombi Brook and the Macdonald River to Mount Macquoid; and thence by the North Road, southerly, to the Hawkesbury River, at Wiseman's Ferry; on the south by the Hawkesbury River to the sea; and on the east by the sea to Reid's Mistake, aforesaid.

62. YASS PLAINS.

Embracing a southern portion of the County of King, a northern portion of the County of Murray, and portions of the Pastoral Districts of Murrumbidgee and Lachlan; and bounded on part of the west by the range forming the eastern watershed of Jeremiah Creek, commencing at the confluence of that creek with the Murrumbidgee River, until it joins the range between the Goodradigbee and Tumut Rivers, and by that range to the point where the spur branches from it, which terminates on the Goodradigbee, exactly opposite the confluence of Flea Creek; on the south by that spur to the Goodradigbee River, thence by the leading range between Flea Creek and the waters falling into the Goodradigbee, above that creek, until that range joins the dividing range between the Goodradigbee and Cotter Rivers; on the east by that range northerly, until it reaches the sources of Cavan Mountain Creek, thence by the dividing range between Cavan Mountain Creek and the Murrumbidgee, until the spur range branches, which terminates on the Murrumbidgee, about half-a-mile below Yeumbeera House, (and which forms the boundary between the Cavan and Yeumbeera Runs), by that spur to the Murrumbidgee, and by the Murrumbidgee, upwards, to a point due west of One-tree Hill; thence on the south by a direct line to that hill, thence by a range northerly about 3 miles, thence by a line, north-easterly, to the confluence of Gundaroo Creek with the Yass River, and by that creek to its source at the foot of the Cullarin Range; again on the east by that range, and the Great Dividing Range to the source of Crookwell River; thence on the north by that river to the Lachlan River; thence again on the west by the Lachlan, upwards, to the confluence of Old Man Creek, at Wallah Wallah, thence by that creek to its head in the range dividing the waters of the Boorowa and Lachlan Rivers, and thence by that range southerly; again on the north by the southern watershed of Pudman's Creek, and the range dividing the waters of Kiangaroo and Laing's Creeks, to a point on the Boorowa River, 1 mile below the north-west corner of N. R. Besnard's 326 acres; thence on the remainder of the west by the Boorowa River, upwards, to the confluence of Hassall's Creek, then by Hassall's Creek to its source in the range dividing the waters of the Yass River and Jugiong Creek, then by that range southerly to the point where the spur branches which terminates on the Murrumbidgee at the confluence of the Yass River, by that spur to the said confluence, and thence by the Murrumbidgee River, downwards, to the confluence of Jeremiah Creek, aforesaid.

Motion made (*Mr. Hay*) and Question put,—That the proposed new Schedule be amended, by the insertion of the following new Electorate, between the Electorates of "Argyle" and "Bathurst":—

BALRANALD.

Embracing the Pastoral Districts of Lower Darling and Albert, and portions of those of Murrumbidgee and Lachlan; and bounded on the south, from the boundary between New South Wales and South Australia, by the Murray River, upwards, to the confluence of the Wakool River, and by that river to the confluence of the Edward River; thence by the boundary between Messrs. Sylvester and Smith's and Mr. Guerson's Runs, northerly, and the northern boundary of all the runs fronting on the Edward River, below the confluence of the Billibong Creek, and on that creek, easterly, to a point exactly south of the boundary between M'Leay's Mulberrygong Run, and Clarke's Burrabogie Run; on the east by a line, north, to that boundary, and by that boundary to the Murrumbidgee River, by that river downward, to the boundary between Rae's Uardry Run, and Oakes' Beabula Run, thence by a line, north, to the Lachlan River, at a point 5 miles below the Ballanjerambal Reserve, thence by the Lachlan River, upwards, to the confluence of Kalingalungaguy Creek, thence by a line, north-westerly, to Fort Bourke, on the River Darling, and by that river, upwards, to the point where the 30th parallel of south latitude meets it; on the north by that parallel, westerly, to the boundary between New South Wales and South Australia; and on the west by that boundary, being the 141st meridian of east longitude, southerly, to the River Murray, aforesaid.

Committee divided.

Ayes, 23.

Mr. Jones,
Mr. Lee,
Mr. Dalley,
Mr. Parkes,
Mr. Lord,
Mr. G. Macleay,
Mr. White,
Mr. R. Tooth,
Mr. Williamson,
Mr. Piddington,
Mr. Wild,
Mr. Smith,
Mr. Moriarty,
Mr. W. Macleay,
Mr. Lloyd,
Mr. Macarthur,
Mr. Sutter,
Mr. Hay,
Mr. Faucett,
Mr. W. B. Tooth,
Mr. Hodgson,
Mr. Forster,
Mr. Donaldson, } Tellers.

Noes, 19.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Dickson,
Mr. Rotton,
Mr. Weekes,
Mr. Thornton,
Mr. Taylor,
Mr. Martin,
Mr. Richardson,
Mr. Oakes,
Mr. Denichy,
Mr. Owen,
Mr. Gordon,
Dr. Aldeorn,
Mr. J. Campbell,
Mr. Scott,
Mr. Byrnes, } Tellers.
Mr. Marks, }

No 4.

Further Amendment proposed, (*Mr. W. B. Tooth*),—That the Electorate of "The Burnett," as printed, be omitted, with a view to the insertion in its place of the following two Electorates:—

LEICHHARDT.

Embracing the Pastoral Districts of Leichhardt and Port Curtis, and the Settled Counties at Port Curtis; and bounded on the south from the sea, by the northern watershed of the Kolan River, the northern watershed of the Burnett River, and the range dividing the waters of the Rivers Burnett and Dawson, to the Great Dividing Range, and by that range, westerly; on the west by the great dividing range to the sources of the Mackenzie River, and thence by the range dividing the waters of the Mackenzie and Belyando Rivers; on the north by the range forming the northern watershed of the M'Kenzie and Isaac Rivers, and a line, easterly, to Cape Palmerston; and on the east by the sea, to the northern watershed of the Kolan River, aforesaid.

THE BURNETT.

Embracing the Pastoral District of Wide Bay and Burnett; and bounded on the south by the Glass House Range, from the sea to Jemma, and thence by the range dividing the waters of the Rivers Brisbane and Burnett, to the Great Dividing Range; on the west by the Great Dividing Range and the range dividing the waters of the Rivers Burnett and Dawson; on the north by the range dividing the waters of the Rivers Burnett and Dawson and the range forming the northern watershed of the Burnett and Kolan Rivers, to the sea; and on the east by the sea to the Glass House Range, aforesaid.

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

Committee divided.

Ayes, 20.

Mr. Marks,
Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Rotton,
Mr. Byrnes,
Mr. Weekes,
Mr. Thornton,
Mr. Owen,
Mr. Taylor,
Mr. Moriarty,
Mr. Lord,
Mr. Dickson,
Mr. Oakes,
Dr. Aldecorn,
Mr. Scott,
Mr. J. Campbell,
Mr. Lee,
Mr. Gordon, } Tellers.

Noes, 20.

Mr. Hay,
Mr. G. Macleay,
Mr. Hodgson,
Mr. Piddington,
Mr. Macarthur,
Mr. Wild,
Mr. Williamson,
Mr. Richardson,
Mr. Forster,
Mr. White,
Mr. Dalley,
Mr. R. Tooth,
Mr. Parkes,
Mr. Jones,
Mr. Smith,
Mr. Lloyd,
Mr. Faucett,
Mr. Suttor,
Mr. W. B. Tooth, } Tellers.
Mr. Donaldson, }

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

No. 5.

Motion made (*Mr. Donaldson*) and Question put,—That the proposed new Schedule be further amended by the insertion of the following new Electorate between the Electorates of "The Lachlan" and "Liverpool Plains."

LEICHHARDT.

Embracing the Pastoral Districts of Leichhardt and Port Curtis, and the Settled Counties at Port Curtis; and bounded on the south from the sea, by the northern watershed of the Kolan River, the northern watershed of the Burnett River, and the range dividing the waters of the Rivers Burnett and Dawson, to the Great Dividing Range, and by that range, westerly; on the west by the Great Dividing Range to the sources of the Mackenzie River, and thence by the range dividing the waters of the Mackenzie and Belyando Rivers; on the north by the range forming the northern watershed of the M'Kenzie and Isaac Rivers, and a line, easterly, to Cape Palmerston; and on the east by the sea, to the northern watershed of the Kolan River, aforesaid.

Committee divided.

Ayes, 21.

Mr. Wild,
Mr. Faucett,
Mr. Lloyd,
Mr. Forster,
Mr. White,
Mr. Piddington,
Mr. Dalley,
Mr. Jones,
Mr. Smith,
Mr. W. B. Tooth,
Mr. Parkes,
Mr. R. Tooth,
Mr. Macarthur,
Mr. W. Macleay,
Mr. Suttor,
Mr. Richardson,
Mr. Hodgson,
Mr. Williamson,
Mr. Donaldson,
Mr. Hay,
Mr. G. Macleay, } Tellers.

Noes, 19.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Scott,
Dr. Aldecorn,
Mr. Marks,
Mr. Dickson,
Mr. Weekes,
Mr. Rotton,
Mr. Taylor,
Mr. Lee,
Mr. Moriarty,
Mr. Robertson,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Oakes,
Mr. Lord,
Mr. Owen, } Tellers.
Mr. Gordon, }

Schedule, as so amended, carried. (Mr. Cowper.)

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 19.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 24 AUGUST, 1858.

No. 1.

PASTORAL LANDS ASSESSMENT AND RENT BILL.

Clause 1. In addition to the rent reserved by any lease granted or lawfully contracted to be granted or which may be hereafter granted under the said Order in Council of any Run situate beyond the Settled Districts there shall be charged upon and payable by the holder of such Run a yearly assessment in respect of every one thousand sheep or one hundred and sixty head of cattle which such run shall have been estimated by competent authority to be capable of carrying and such assessment shall be at one or other of the rates set forth in the Schedule hereto accordingly as the Run is situated in one or other of the Classes of Runs specified in the said Schedule And until such estimate shall have been made such Run shall be liable to the like assessment in respect of every four thousand acres of area contained or estimated to be contained therein as Runs of the same class are liable to in respect of each thousand sheep or one hundred and sixty head of cattle Provided that such assessment shall be diminished by one-third part in respect of any Run leased or lawfully contracted to be leased since the end of the year one thousand eight hundred and fifty-two or which may be leased or lawfully contracted to be leased after the passing of this Act and by two-third parts in respect of any vacated or forfeited run the right to which has been already obtained or shall be hereafter obtained under competition by public tender,—*Read.*

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

Amendment proposed,—That all the words in *Italic* be omitted, with a view to the insertion in their place of the words “the stock which such holder is entitled to depasture thereon, and such Assessment shall, during the currency of the lease granted or contracted to be granted, be at the rate of seven pounds ten shillings, and no more, for every one thousand sheep or one hundred and sixty head of cattle.” (*Mr. Hay.*)

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

Ayes, 17.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Dalley,
Mr. Marks,
Mr. J. Campbell,
Mr. White,
Dr. Aldcorn,
Mr. Weekes,
Mr. Byrnes,
Mr. Moriarty,
Mr. Taylor,
Mr. Piddington,
Mr. Oakes,
Mr. Denichy, } Tellers.
Mr. Parkes, }

Noes, 22.

Mr. Hay,
Mr. G. Macleay,
Mr. Hodgson,
Mr. Faucett,
Mr. Wild,
Mr. Buckley,
Mr. Rotton,
Mr. Lord,
Mr. Thornton,
Mr. Owen,
Mr. Forster,
Mr. Jones,
Mr. W. B. Tooth,
Mr. Smith,
Mr. Richardson,
Mr. Macarthur,
Mr. Lloyd,
Mr. Paterson,
Mr. R. Tooth,
Mr. W. Macleay,
Mr. Suttor, } Tellers,
Mr. Donaldson, }

No. 2.

And the Question having been stated,—That the words proposed to be inserted, in the place of the words omitted, be so inserted ;—

Afterwards Motion made,—That the proposed Amendment be amended by the omission of the words "*holder is entitled to depasture thereon,*" with a view to the insertion in their place of the words "*Runs capable of depasturing.*" (*Mr. Jones.*)

The Question,—That the words proposed to be omitted stand part of the proposed amendment,—having been put and negatived—

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

Committee divided.

Ayes, 24.*

Mr. Smith,
Mr. Marks,
Mr. Gordon,
Mr. Wild,
Mr. Owen,
Mr. Jones,
Mr. Rotton,
Mr. Faucett,
Mr. W. B. Tooth,
Mr. Buckley,
Mr. Taylor,
Mr. Paterson,
Mr. R. Tooth,
Mr. Lloyd,
Mr. Macarthur,
Mr. Richardson,
Mr. Moriarty,
Mr. Lord,
Mr. Hay,
Mr. Sutor,
Mr. Donaldson,
Mr. G. Macleay, } Tellers.
Mr. Hodgson, }

Noes, 18.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Dr. Aldcorn,
Mr. Forster,
Mr. Denichy,
Mr. Egan,
Mr. Weckes,
Mr. Murray,
Mr. White,
Mr. Byrnes,
Mr. Oakes,
Mr. Piddington,
Mr. Parkes,
Mr. J. Campbell,
Mr. Dalley, } Tellers.
Mr. Dickson, }

* So in Tellers' Lists.

No. 3.

Afterwards Motion made,—That the proposed Amendment be further amended, by the omission of the words "*during the currency of the lease granted*" or *contracted to be granted.*" (*Mr. Rotton.*)

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

Committee divided.

Ayes, 19.

Mr. Hodgson,
Mr. Wild,
Mr. Owen,
Mr. Jones,
Mr. R. Tooth,
Mr. Faucett,
Mr. Macarthur,
Mr. Taylor,
Mr. Paterson,
Mr. W. B. Tooth,
Mr. Lloyd,
Mr. Richardson,
Mr. Lord,
Mr. Smith,
Mr. Hay,
Mr. Sutor,
Mr. Donaldson,
Mr. G. Macleay, } Tellers.
Mr. Buckley, }

Noes, 23.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Dr. Aldcorn,
Mr. W. Macleay,
Mr. Parkes,
Mr. Murray,
Mr. Egan,
Mr. White,
Mr. Byrnes,
Mr. Weckes,
Mr. Moriarty,
Mr. Marks,
Mr. Oakes,
Mr. Rotton,
Mr. Forster,
Mr. Denichy,
Mr. J. Campbell,
Mr. Gordon,
Mr. Piddington,
Mr. Dalley, } Tellers.
Mr. Dickson, }

No. 4.

Afterwards Motion made,—That the proposed Amendment be further amended, by the omission of the words "*seven pounds ten shillings,*" with a view to the insertion in their place of the words "*five pounds.*" (*Mr. Buckley.*)

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

Committee

Committee divided.

Ayes, 21.	Noes, 20.
Mr. Cowper,	Mr. G. Macleay,
Mr. Robertson,	Mr. Suttor,
Mr. R. Campbell,	Mr. W. Macleay,
Mr. Martin,	Mr. Macarthur,
Mr. Egan,	Mr. Murray,
Mr. Weekes,	Mr. Hodgson,
Mr. Jones,	Mr. Richardson,
Mr. Owen,	Mr. Moriarty,
Mr. Oakes,	Mr. Taylor,
Mr. White,	Mr. Paterson,
Mr. Dickson,	Mr. Lloyd,
Mr. Dalley,	Mr. W. B. Tooth,
Mr. Marks,	Mr. Wild,
Mr. Faucett,	Mr. Rotton,
Mr. Byrnes,	Mr. Smith,
Mr. Parkes,	Mr. Forster,
Dr. Aldcorn,	Mr. R. Tooth,
Mr. J. Campbell,	Mr. Buckley,
Mr. Piddington,	Mr. Donaldson, } Tellers.
Mr. Gordon, } Tellers.	Mr. Lord,

No. 5.

Afterwards Motion made,—That the proposed Amendment be further amended by the omission of the words “one hundred and sixty,” with a view to the insertion in their place of the words “two hundred and fifty.” (Mr. Buckley.)

The Question, That the words proposed to be omitted stand part of the proposed Amendment, having been put and negatived;—

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

Committee divided.

Ayes, 22.	Noes, 20.
Mr. G. Macleay,	Mr. Cowper,
Mr. Dickson,	Mr. Robertson,
Mr. Lord,	Mr. Martin,
Mr. Hodgson,	Mr. R. Campbell,
Mr. Richardson,	Dr. Aldcorn,
Mr. Rotton,	Mr. Owen,
Mr. Faucett,	Mr. Jones,
Mr. Taylor,	Mr. Weekes,
Mr. Paterson,	Mr. Forster,
Mr. R. Tooth,	Mr. Hay,
Mr. Smith,	Mr. Moriarty,
Mr. W. Macleay,	Mr. White,
Mr. Wild,	Mr. Oakes,
Mr. Macarthur,	Mr. Dalley,
Mr. Byrnes,	Mr. Denichy,
Mr. Lloyd,	Mr. Murray,
Mr. W. B. Tooth,	Mr. J. Campbell,
Mr. Suttor,	Mr. Thornton,
Mr. Donaldson,	Mr. Piddington, } Tellers.
Mr. Buckley,	Mr. Parkes,
Mr. Egan, } Tellers.	
Mr. Gordon, } Tellers.	

No. 6.

The proposed Amendment having been further amended by the addition of words at the end thereof (Mr. Hay), so as to read, with its various amendments, as follows:—the stock which such run is capable of depasturing, and such assessment shall be at the rate of seven pounds ten shillings and no more for every one thousand sheep or two hundred and fifty head of cattle—and for the purposes of this Act the number of such sheep or cattle shall be taken to be that which such run shall have been estimated to carry in conformity with the third section of the second chapter of the said Order in Council;—

Question put,—That the words of the proposed Amendment, as so amended, be inserted in the clause in the place of the words omitted.

Committee divided.

Ayes, 19.	Noes, 21.
Mr. Suttor,	Mr. Cowper,
Mr. Jones,	Mr. Robertson,
Mr. Owen,	Mr. Martin,
Mr. Lloyd,	Mr. R. Campbell,
Mr. Wild,	Dr. Aldcorn,
Mr. G. Macleay,	Mr. Egan,
Mr. Thornton,	Mr. Weekes,
Mr. Forster,	Mr. Richardson,
Mr. Rotton,	Mr. White,
Mr. Faucett,	Mr. Moriarty,
Mr. W. Macleay,	Mr. Taylor,
Mr. Paterson,	Mr. Oakes,
Mr. R. Tooth,	Mr. Denichy,
Mr. Hodgson,	Mr. Dalley,
Mr. Macarthur,	Mr. Parkes,
Mr. Smith,	Mr. Buckley,
Mr. Donaldson,	Mr. W. B. Tooth,
Mr. Gordon, } Tellers.	Mr. Byrnes,
Mr. Hay, } Tellers.	Mr. J. Campbell,
	Mr. Piddington, } Tellers.
	Mr. Dickson, } Tellers.

No. 7.

No. 7.

Whereupon motion made and Question put,—That the following words be inserted in the Clause in the place of the words omitted:—
the number of sheep or head of cattle which such run shall have been estimated by competent authority to be capable of carrying, and such assessment shall be at the several rates set forth in the Schedule hereto. (*Mr. Piddington.*)
Committee divided.

Ayes, 22.

Mr. Cowper,
Mr. Robertson,
Mr. Martin,
Mr. R. Campbell,
Mr. Dickson,
Mr. Egan,
Mr. Weekes,
Mr. Richardson,
Mr. White,
Mr. Lord,
Mr. Moriarty,
Mr. Taylor,
Mr. Denichy,
Mr. Oakes,
Mr. Parkes,
Mr. J. Campbell,
Mr. Byrnes,
Dr. Aldcorn,
Mr. Piddington,
Mr. W. B. Tooth,
Mr. Dalley, } Tellers.
Mr. Buckley, }

Noes, 18.

Mr. Hay,
Mr. Faucett,
Mr. Jones,
Mr. W. Macleay,
Mr. Rotton,
Mr. Hodgson,
Mr. G. Macleay,
Mr. Owen,
Mr. Forster,
Mr. Wild,
Mr. Paterson,
Mr. Macarthur,
Mr. Lloyd,
Mr. Gordon,
Mr. Smith,
Mr. R. Tooth,
Mr. Suttor, } Tellers.
Mr. Donaldson, }

Progress Report—to sit again.

WEDNESDAY, 25 AUGUST, 1858.

No. 8.

ELECTORAL LAW AMENDMENT BILL, (as amended in Committee of the whole House and re-committed.)

Clause 3, (as amended.)

3. The Assembly shall consist of "eighty" Members.—*Read.*

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

Amendment proposed,—That the word "eighty" be omitted, with a view to the insertion in its place of the word "seventy-eight." (*Mr. Oakes.*)

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

Committee divided.

Ayes, 26.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Piddington,
Mr. W. Macleay,
Mr. G. Macleay,
Mr. Smith,
Mr. Gordon,
Mr. Murray,
Mr. Thornton,
Mr. Jones,
Mr. Taylor,
Mr. W. B. Tooth,
Mr. Moriarty,
Mr. Wild,
Mr. Macarthur,
Mr. Forster,
Mr. Richardson,
Mr. Buckley,
Mr. Hay,
Mr. Lloyd,
Mr. Suttor,
Mr. Lord,
Mr. Paterson,
Mr. Owen, } Tellers.
Mr. Hodgson, }

Noes, 8.

Dr. Aldcorn,
Mr. Oakes,
Mr. J. Campbell,
Mr. Weekes,
Mr. Rotton,
Mr. Marks,
Mr. Parkes, } Tellers.
Mr. Dickson, }

Original Question put and carried.

No. 9.

Clause 4. *The Colony shall be divided into the Electoral Districts named in the first column of the next following Table. And such Districts shall severally comprise and consist of the Police Districts and portions of Police Districts set against the respective names of such Electoral Districts in the second column of the same Table.*

Argyle	{ The Police District of Goulburn exclusive of the Electorate of Goulburn.
Bathurst	{ The portion of the Police District of Bathurst included in the Towns of Bathurst and Kelso.
Bogan, The	The Police Districts of Dubbo and Molong.
Braidwood	The Police District of Braidwood.
Brisbane	{ The portion of the Police District of Brisbane included in the Town of Brisbane.

Burnett

Burnett, The	{ The Police Districts of Gayndah—Maryborough—Leichhardt and Gladstone.
Camden, West.....	{ The Police District of Berrima with that portion of the Police District of Camden Narellan and Picton not included in the County of Cumberland
Canterbury	{ The portion of the Metropolitan Police District south of Port Jackson and of the Parramatta Road west of Long Cove south of the Parramatta River and north of Cook's River and not included in the Hamlets.
Carcoar	{ The Police District of Carcoar.
Clarence, The	{ The Police Districts of Grafton and Tabulam.
Cudjiegong, The	{ The Police District of Mudgee.
Central Cumberland	{ The portion of the Police District of Parramatta and Liverpool not included in the Town of Parramatta or in the Parish of Hunter's Hill.
Darling Downs, The	{ The Police Districts of Warwick—Drayton—Dalby and Condamine.
Eden	{ The Police Districts of Broolee and Eden.
Glebe, The	{ The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Balmain.
Goulburn	{ The portion of the Police District of Goulburn included in the Town of Goulburn.
Gwydir, The	{ The Police Districts of Warialda and Wee Waa.
Hartley	{ The Police Districts of Hartley and Rylstone.
Hastings, The	{ The Police Districts of the M'Leay River—Port Macquarie and The Manning.
Hawkesbury, The.....	{ The Police District of the M'Donald River and the portion of the Police District of Windsor not included in the Town of Windsor or of Richmed.
Hunter, The.....	{ The portion of the Maitland Police District bounded on the east by the Paterson River, by the road from Lang's Mill to the Maitland and Paterson Road, by that road to the north boundary of the Bulwarra Estate and by that boundary easterly to the River Hunter, by the River Hunter upward to the west boundary of E. C. Close's Morpeth grant, and by that boundary and the boundary of the Maitland Reserve to the road from Maitland to Raymond Terrace; and on the north by the road from Maitland to Raymond Terrace; and not included in the Towns of East and West Maitland or in the Electoral District of Morpeth.
Hunter, The Lower.....	{ The Police District of Raymond Terrace.
Hunter, The Upper.....	{ The Police Districts of Merton and Muswellbrook Scene and Cassilis and the portion of the Police District of Murrurundi south-east of the Liverpool Range.
Illawarra	{ The Police District of Wollongong.
Ipswich.....	{ The portion of the Police District of Ipswich included in the Town of Ipswich.
Kiama	{ The Police District of Kiama.
Lachlan, The	{ The Police District of Binalong.
Liverpool Plains	{ The Police District of Tamworth and the portion of the Police District of Murrurundi north-west of the Liverpool Range
Macquarie, West.....	{ The portion of the Police District of Bathurst included in the Counties of Bathurst and Geogiana and not included in the Town of Bathurst.
Macquarie, East	{ The portion of the Police District of Bathurst contained in the Counties of Roxburgh and Westmoreland and not included in the Town of Kelso.
Maitland, East.....	{ The portion of the Police District of Maitland bounded on the north by the Road from Raymond Terrace to Maitland by the east and north boundaries of the East Maitland Reserve and the west boundary of Close's Morpeth Grant to the River Hunter and by the River Hunter upwards to the confluence of Wallis Creek and on the west by that Creek.
Maitland, West	{ The portion of the Police District of Maitland included in the Town of West Maitland.
Monaro	{ The Police Districts of Cooma and Bombala.

Moreton, East	}	The portion of the Police District of Brisbane not included in the Town of Brisbane.
Moreton, West.....		The portion of the Police District of Ipswich not included in the Town of Ipswich.
Morpeth	}	The portion of the Maitland Police District not included in the Electoral Districts of East and West Maitland and the Hunter.
Murray, The Lower.....		The Police Districts of Moulamein Deniliquin and Moama.
Murray, The Upper.....	}	The Police District of Albury.
Murrumbidgee, The.....		The Police District of Wagga Wagga and that portion of the Police District of Gundagai north of the Murrumbidgee River.
Narellan	}	The Police District of Campbelltown, with the portion of the Police District of Camden Narellan and Picton included in the County of Cumberland.
Nepean, The		The Police District of Penrith.
Newcastle.....	}	The portion of the Police District of Newcastle included in the City of Newcastle.
New England		The Police District of Armidale.
Newtown	}	The portion of the Metropolitan Police District included in the Hamlets of Newtown O'Connell Town Camperdown and Chippendale.
Northumberland		The portion of the Police District of Newcastle not included in the City of Newcastle.
Orange.....	}	The Police District of Orange.
Paddington		The portion of the Metropolitan Police District included in the Hamlets of Paddington Surry Hills and Redfern.
Parramatta	}	The portion of the Police District of Parramatta and Liverpool included in the Town of Parramatta.
Paterson, The		The Police District of Paterson.
Patrick's Plains	}	The Police District of Patrick's Plains.
Queanbeyan.....		The Police District of Queanbeyan.
St. Leonard's	}	The portion of the Metropolitan Police District north of Port Jackson and that portion of the Parramatta and Liverpool Police District included in the Parish of Hunter's Hill.
Shoalhaven		The Police District of Shoalhaven.
Sydney, East	}	The portion of the Police District of Sydney included in Bourke Macquarie Cook and Fitzroy Wards.
Sydney, West		The portion of the Police District of Sydney included in Gipps Brisbane Phillip and Denison Wards.
Tenterfield	}	The Police Districts of Wellingrove and Tenterfield.
Tumut, The.....		The Police District of Tumut and that portion of the Police District of Gundagai south of the Murrumbidgee River.
Wellington	}	The Police District of Wellington and that portion of the Police District of Molong included in the Watershed of the Bell River.
Williams, The.....		The Police Districts of Dungog and Port Stephens.
Windsor	}	The portion of the Police District of Windsor included in the Towns of Windsor and Richmond.
Wollombi, The.....		The Police Districts of Gosford and Wollombi.
Yass Plains	}	The Police District of Yass.

Question proposed, (*Mr. Cowper*) That the Clause be amended, by the omission of all the words thereof following the words in *Italic* at the commencement, with a view to the insertion in their place of the following words:—
following Electoral Districts:—

Argyle.	East Maitland.
Balranald.	West Maitland.
"Bathurst."	Monaro.
The Bogan.	East Moreton.
Braidwood.	West Moreton.
Brisbane.	"Morpeth."
The Burnett.	Mudgee.
Camden.	The Murray.
Canterbury.	The Murrumbidgee.
Carcoar.	Narellan.
The Clarence.	The Nepean.

Central

Central Cumberland.
Darling Downs.
Eden.
The Glebe.
Goulburn.
The Gwydir.
Hartley.
The Hastings.
The Hawkesbury.
The Hume.
The Hunter.
The Lower Hunter.
The Upper Hunter.
Illawarra.
Ipswich.
Kiama.
The Lachlan.
Leichhardt.
Liverpool Plains.
East Macquarie.
West Macquarie.

Newcastle.
New England.
Newtown.
Northumberland.
Orange.
Paddington.
Parramatta.
The Paterson.
Patrick's Plains.
Queanbeyan.
St. Leonard's.
Shoalhaven.
East Sydney.
West Sydney.
Tenterfield.
Tumut.
Wellington.
The Williams.
Windsor.
Wollombi.
Yass Plains.

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

Committee divided.

Ayes, 3.

Mr. J. Campbell,
Mr. Dickson, } Tellers.
Mr. Oakes, }

Noes, 30.

Mr. Cowper,
Mr. Robertson,
Mr. Forster,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Smith,
Mr. W. Macleay,
Mr. Piddington,
Mr. Lord,
Mr. Gordon,
Mr. Rotton,
Dr. Aldecorn,
Mr. Buckley,
Mr. Taylor,
Mr. Thornton,
Mr. W. B. Tooth,
Mr. Hodgson,
Mr. Lloyd,
Mr. Marks,
Mr. Wild,
Mr. Parkes,
Mr. Richardson,
Mr. Jones,
Mr. Suttor,
Mr. Paterson,
Mr. Owen,
Mr. Moriarty,
Mr. R. Campbell,
Mr. Hay, } Tellers.
Mr. Murray, }

No. 10.

And the Question having been stated,—That the words proposed to be inserted in the place of the words omitted, be so inserted;—

Motion made and Question put,—That the proposed Amendment be amended by the insertion, after the word "Bathurst," of the word "Berrima." (*Mr. Forster.*)

Committee divided.

Ayes, 14.

Mr. Egan,
Mr. Owen,
Mr. Murray,
Mr. Forster,
Mr. Gordon,
Mr. Marks,
Mr. Richardson,
Mr. J. Campbell,
Mr. Oakes,
Mr. Byrnes,
Mr. White,
Mr. Moriarty,
Mr. Denichy, } Tellers.
Mr. Rotton, }

Noes, 16.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Smith,
Mr. G. Macleay,
Mr. Taylor,
Mr. W. Macleay,
Mr. Hay,
Mr. W. B. Tooth,
Mr. Paterson,
Mr. Wild,
Mr. Lloyd,
Mr. Macarthur,
Mr. Dickson,
Mr. Piddington, } Tellers.
Mr. Suttor, }

No. 11.

Afterwards Motion made,—That the proposed Amendment be amended, by the omission of the word "Morpeth." (*Mr. Forster.*)

Committee

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

Committee divided.

Ayes, 23.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. Rotton,
Mr. Owen,
Mr. Buckley,
Mr. Dickson,
Mr. Byrnes,
Mr. J. Campbell,
Mr. R. Campbell,
Dr. Aldcorn,
Mr. Marks,
Mr. Richardson,
Mr. Sutor,
Mr. Hay,
Mr. Lord,
Mr. Denichy,
Mr. Oakes,
Mr. Lloyd,
Mr. Gordon,
Mr. Egan,
Mr. White, } Tellers.
Mr. Weekes, }

Noes, 9.

Mr. Macarthur,
Mr. G. Mackay,
Mr. Murray,
Mr. W. B. Tooth,
Mr. Faucett,
Mr. Wild,
Mr. Paterson,
Mr. Smith, } Tellers.
Mr. Forster, }

Original Question put and carried;—and Clause, as so amended, carried.

No. 12.

Schedule A, Paragraph 3, Electorate of Bathurst:—

3. BATHURST.

Embracing the Towns of Bathurst and Kelso, in the Counties of Bathurst and Roxburgh; and bounded on the south, from the Macquarie River, by the line dividing Wm. Clarke's grant of 85 acres, from Richard Mortimer's grant of 80 acres, and by the north boundary of Sir John Jamison's 100 acres, forming the south side of Busby-street, westerly, to Havannah-street; by the extension of Havannah-street, south-westerly, forming the north-west boundaries of Austin's, Crilly's, Thompson's, and Mutton's purchases, by the north boundaries of William Mutton's 10 acres 1 rood and 23 perches, and David Gordon's 18 acres and 11 perches, and by the westerly extension of that line, to the east boundary of Colonel Stewart's Grant; on the west by that boundary, northerly, to the south-west corner of T. J. Hawkins' 320 acres; on part of the north by the south boundaries of that land, and of James Blackett's 320 acres, and James Walker's 320 acres, easterly, to the south-east corner of Walker's 320 acres; again on the west by part of the east boundary of that land; again on the north by the south boundary of J. Medley's 100 acres; again on the west by the east boundary of that 100 acres, northerly, to the Macquarie River; again on the north by the Macquarie River, upwards, to the south-east boundary of William Cox's 2,000 acres, called Hereford, and by that boundary, north-easterly, to the north corner of J. Read's 100 acres; thence on the east by the west boundaries of J. Blackman's 100 acres, J. Blackman's 60 acres, R. Mills' 50 acres, and W. Lee's 50 acres, south-easterly, to the east corner of W. Lee's 80 acres; and again on the south by the south-east boundary line of that land, south-westerly, to the Macquarie River, and by that river, upward, to the boundary between Clarke's and Mortimer's grants, aforesaid.—*Read.*

Motion made (*Mr. Rotton*) and Question put,—That the following new description for the Electorate of Bathurst stand part of the Schedule, in substitution for the description as read:—

Embracing the Town of Bathurst, in the County of Bathurst; and bounded on the south, from the Macquarie River, by the north boundary of James Vincent's grant of 62 acres, to the Vale Creek, by that creek, upwards, to the north boundary of Sir John Jamison's 100 acres, and by the north boundary of Sir John Jamison's 100 acres, forming the south side of Busby-street, westerly, to Havannah-street; by the extension of Havannah-street, south-westerly, forming the north-west boundaries of Austin's, Crilly's Thompson's, and Mutton's purchases, by the north boundaries of William Mutton's 11 acres 1 rood and 23 perches, and David Gordon's 18 acres and 11 perches, and by the westerly extension of that line, to the east boundary of Colonel Stewart's grant; on the west by that boundary, northerly, to the south-west corner of T. J. Hawkins' 320 acres; on part of the north by the south boundaries of that land, and of James Blackett's 320 acres, and James Walker's 320 acres, easterly, to the south-east corner of Walker's 320 acres; again on the west by part of the east boundary of that land; again on the north by the south boundary of J. Medley's 100 acres; again on the west by the east boundary of that 100 acres, northerly, to the Macquarie River; again on the north and on the east by the Macquarie River, upwards, to the north boundary of James Vincent's 62 acres aforesaid.

Committee

Committee divided.

Ayes, 14.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Byrnes,
Mr. Jones,
Mr. Parkes,
Mr. Weekes,
Mr. Egan,
Mr. Oakes,
Mr. Marks,
Mr. Buckley,
Mr. J. Campbell,
Mr. Suttor, } Tellers.
Mr. Rotton, }

Noes, 12.

Mr. G. Macleay,
Mr. Hay,
Mr. Piddington,
Mr. Smith,
Mr. W. B. Tooth,
Mr. Taylor,
Mr. Wild,
Mr. Macarthur,
Mr. Paterson,
Mr. Faucett,
Mr. Donaldson, } Tellers.
Mr. Forster, }

Schedule further amended, and, as so amended, carried.

THURSDAY, 26 AUGUST, 1858.

No. 13.

PASTORAL LANDS ASSESSMENT AND RENT BILL.

Clause 1 (*as amended*). In addition to the rent reserved by any lease granted or lawfully contracted to be granted or which may be hereafter granted under the said Order in Council of any Run situate beyond the Settled Districts there shall be charged upon and payable by the holder of such Run a yearly assessment in respect of the number of sheep or head of cattle which such run shall have been estimated by competent authority to be capable of carrying and such assessment shall be at the several rates set forth in the Schedule hereto And until such estimate shall have been made such run shall be liable to the like assessment to be computed by the same rule by which the rent of such runs may be determined Provided that "such assessment shall be "diminished by one-third part in respect of "any run *leased or lawfully contracted to be leased since the end of the year one thousand eight hundred and fifty-two or which may be leased or lawfully contracted to be leased after the passing of this Act* and by two-third parts in respect of any "vacated or forfeited" run the right to which "has been already obtained or shall be hereafter" obtained under competition by "public" tender,—*Read.*

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

Amendment proposed,—That the words "such assessment shall be diminished by one-third part in respect of" be omitted. (*Mr. W. Macleay.*)

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

Committee divided.

Ayes, 27

Mr. Robertson,
Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Richardson,
Mr. Moriarty,
Mr. Denichy,
Mr. Buckley,
Mr. Suttor,
Mr. Taylor,
Mr. Hay,
Mr. Egan,
Mr. Weekes,
Mr. Byrnes,
Mr. W. B. Tooth,
Mr. Gordon,
Mr. Smith,
Mr. Piddington,
Mr. Dickson,
Mr. Parkes,
Mr. Murray,
Mr. White,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Donaldson,
Mr. Williamson, } Tellers.
Mr. Jones, }

Noes, 8.

Mr. Paterson,
Mr. Lloyd,
Mr. Faucett,
Mr. Wild,
Mr. Rotton,
Mr. G. Macleay,
Mr. Forster, } Tellers.
Mr. W. Macleay, }

No. 14.

The Clause having been further amended by the omission of the words in Italic, and the insertion in their place of the words "the right to which shall have been acquired by tender without public notice"; by the omission of the words "vacated or forfeited"; by the substitution of the words "shall have been" for the words "has been clearly obtained, or shall be hereafter"; by the omission of the penultimate word "public"; and by the addition, after the last word "tender," of the words "after public notice." (Mr. Robertson.)

Motion made (Mr. W. Macleay) and Question put,—That the Clause be further amended, by the addition of the following words at the end thereof:—

Provided also, that the amount of any assessment collected under this Act, shall be expended for local purposes within such districts respectively, as the same shall be collected.

Committee divided.

Ayes, 13.

Mr. Paterson,
Mr. Faucett,
Mr. W. Macleay,
Mr. Suttor,
Mr. Hay,
Mr. Smith,
Mr. W. B. Tooth,
Mr. Forster,
Mr. Wild,
Mr. Lloyd,
Mr. Donaldson,
Mr. Rotton,
Mr. G. Macleay, } Tellers.

Nos, 22.

Mr. Martin,
Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Dr. Aldcorn,
Mr. Buckley,
Mr. Denichy,
Mr. Murray,
Mr. Weekes,
Mr. Thornton,
Mr. Taylor,
Mr. Moriarty,
Mr. White,
Mr. Byrnes,
Mr. Richardson,
Mr. Parkes,
Mr. Jones,
Mr. Piddington,
Mr. Williamson,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Dickson, }

No. 15.

A further Amendment having been proposed and withdrawn. (Mr. Forster.)

Motion made and Question put,—That the Clause as amended stand part of the Bill. (Mr. Robertson.)

Committee divided.

Ayes, 27.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Weekes,
Mr. Parkes,
Mr. Jones,
Mr. Denichy,
Mr. Moriarty,
Mr. Dickson,
Mr. Thornton,
Mr. W. B. Tooth,
Mr. Murray,
Mr. Taylor,
Mr. White,
Mr. Suttor,
Mr. Smith,
Mr. Lloyd,
Mr. Buckley,
Mr. Richardson,
Mr. Piddington,
Mr. J. Campbell,
Dr. Aldcorn,
Mr. Williamson,
Mr. Donaldson,
Mr. Gordon, } Tellers.
Mr. Byrnes, }

Noes, 6.

Mr. Paterson,
Mr. Rotton,
Mr. Wild,
Mr. G. Macleay,
Mr. Forster, } Tellers.
Mr. W. Macleay, }

(Clause as carried,—

- In addition to the rent reserved by any lease granted or lawfully contracted to be granted or which may be hereafter granted under the said Order in Council of any Run situate beyond the Settled Districts there shall be charged upon and payable by the holder of such Run a yearly assessment in respect of the number of sheep or head of cattle which such run shall have been estimated by competent authority to be capable of carrying and such assessment shall be at the several rates set forth in the Schedule hereto And until such estimate shall have been made such run shall be liable to the like assessment to be computed by the same rule by which the rent of such runs may be determined Provided that such assessment shall be diminished by one-third part in respect of any run the right to which shall have been acquired by tender without public notice and by two-third parts in respect of any run the right to which shall have been obtained under competition by tender after public notice.)*

No. 16.

No. 16.

Whereupon, Question proposed,—That the Chairman now leave the Chair, report progress, and ask leave to sit again “on Wednesday next.” (*Mr. Robertson*).
 Amendment proposed,—That the words “on Wednesday next” be omitted, with a view to the insertion in their place of the words “to-morrow, to take precedence of all other business on the Paper for that day.” (*Mr. Hay*).
 Question put,—That the words proposed to be omitted stand part of the Question. Committee divided.

Ayes, 5.

Mr. Cowper,
 * Mr. Campbell,
 Mr. Moriarty,
 Mr. Forster, } Tellers.
 Mr. Robertson,

* So in Tellers' List.

Noes, 15.

Mr. Hay,
 Mr. Lloyd,
 Mr. Suttor,
 Mr. Paterson,
 Mr. Wild,
 Mr. W. B. Tooth,
 Mr. Faucett,
 Mr. Taylor,
 Mr. W. Macleay,
 Mr. Richardson,
 Mr. Smith,
 Mr. Buckley,
 Mr. Rotton,
 Mr. Donaldson, } Tellers.
 Mr. G. Macleay,

No. 17.

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

Ayes, 16.

Mr. Suttor,
 Mr. Paterson,
 Mr. Faucett,
 Mr. Rotton,
 Mr. G. Macleay,
 Mr. W. Macleay,
 Mr. Taylor,
 Mr. Thornton,
 Mr. Smith,
 Mr. Wild,
 Mr. Lloyd,
 Mr. Richardson,
 Mr. Hay,
 Mr. Donaldson,
 Mr. W. B. Tooth, } Tellers.
 Mr. Buckley,

Noes, 17.

Mr. Martin,
 Mr. Cowper,
 Mr. Robertson,
 Mr. R. Campbell,
 Mr. Forster,
 Mr. Gordon,
 Mr. Weekes,
 Mr. J. Campbell,
 Mr. Dickson,
 Mr. Moriarty,
 Mr. Byrnes,
 Mr. Owen,
 Mr. Parkes,
 Dr. Aldeorn,
 Mr. Egan,
 Mr. Piddington, } Tellers.
 Mr. Jones,

No. 18.

Motion made and Question put,—That the words “on Thursday next” be inserted in the place of the words omitted. (*Mr. Robertson*).

Committee divided.

Ayes, 16.

Mr. Cowper,
 Mr. Martin,
 Mr. R. Campbell,
 Mr. Robertson,
 Mr. Gordon,
 Mr. Jones,
 Mr. Forster,
 Mr. Egan,
 Mr. Weekes,
 Mr. Owen,
 Dr. Aldeorn,
 Mr. Byrnes,
 Mr. Piddington,
 Mr. J. Campbell,
 Mr. Dickson, } Tellers.
 Mr. Parkes,

Noes, 16.

Mr. Hay,
 Mr. G. Macleay,
 Mr. Wild,
 Mr. Paterson,
 Mr. Rotton,
 Mr. Moriarty,
 Mr. Taylor,
 Mr. Smith,
 Mr. Lloyd,
 Mr. Richardson,
 Mr. W. Macleay,
 Mr. Faucett,
 Mr. Donaldson,
 Mr. W. B. Tooth,
 Mr. Suttor, } Tellers.
 Mr. Buckley,

The numbers being equal, the Chairman gave his vote with the *Ayes*, and declared the Question to have passed in the *Affirmative*.

Question then,—That the Chairman now leave the Chair, report progress, and ask leave to sit again on Thursday next,—put and carried.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 20.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

WEDNESDAY, 1 SEPTEMBER, 1858.

No. 1.

DISTRICT COURTS BILL.

Clause 61. It shall be lawful for every party to an action or other proceeding under this Act or a Barrister or Attorney of the Supreme Court retained by or on behalf of the party on either side (but without any right of exclusive audience or pre-audience) or for any other person *allowed by special leave of the Judge in each case* to appear instead of the party to address the Court and examine and cross-examine the witnesses but subject to such regulations as the Judge may from time to time prescribe for the orderly transaction of the business of the Court Provided always that no person not being a Barrister or Attorney of the Supreme Court shall be entitled to receive or recover or shall receive directly or indirectly any sum of money or other remuneration for appearing or acting on behalf of any other person in the said District Court—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Martin.*)
Amendment proposed,—That the words in *Italic* be omitted. (*Mr. Forster.*)

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

Ayes, 19.

- Mr. Cowper,
- Mr. Martin,
- Mr. R. Campbell,
- Mr. Lord,
- Mr. Richardson,
- Mr. Jamison,
- Mr. Thornton,
- Mr. W. B. Tooth,
- Mr. Taylor,
- Mr. Byrnes,
- Mr. White,
- Mr. W. Macleay,
- Mr. Hay,
- Mr. Moriarty,
- Mr. Suttor,
- Dr. Aldcorn,
- Mr. J. Campbell,
- Mr. Dalley,
- Mr. G. Macleay, } Tellers,

Noes, 8.

- Mr. Donaldson,
- Mr. Forster,
- Mr. Gordon,
- Mr. Weekes,
- Mr. Piddington,
- Mr. Murray,
- Mr. Jones, } Tellers.
- Mr. Dickson, }

Original Question put and carried.

No. 2.

Clause 101. The District Court Judges for the time being or any three of them shall have power to make such general rules as they shall think fit *subject to the approval of two of the Judges of the Supreme Court* for regulating the practice and proceedings of the District Courts the fees to be allowed to Barristers and Attorneys and the expenses to be paid to witnesses and also to frame forms for every matter or proceeding in the said Courts for which they shall think it necessary that a form be provided and also for keeping all books entries and accounts to be kept by the Registrars of the said Courts and from

time to time to alter any such rule "or form and" the rules so made shall not take effect until one month after the publication thereof in the *Government Gazette* and in any case not expressly provided for herein or by the said rules the general rules of practice in the Supreme Court may be adopted and applied by the Judges of the District Courts to actions and proceedings in their several Courts,—*Read.*

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

Amendment proposed,—That the words in *Italic* be omitted. (*Mr. Murray.*)

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

Committee divided.

Ayes, 11.

Mr. Cowper,
Mr. R. Campbell,
Mr. Martin,
Mr. Robertson,
Mr. Byrnes,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. White,
Mr. Piddington,
Mr. Lord,
Mr. Thornton, } Tellers.

Noes, 14.

Mr. Hodgson,
Mr. W. Macleay,
Mr. Forster,
Mr. Dickson,
Mr. Weckes,
Mr. Moriarty,
Mr. Murray,
Mr. Egan,
Mr. Suttor,
Mr. G. Macleay,
Mr. Gordon,
Mr. Hay,
Mr. Faucett,
Mr. Donaldson, } Tellers.

No. 3.

Further Amendment proposed (*Mr. Forster*), and Question put,—That the following words be inserted after the words "or form and":—"if Parliament be sitting copies of the rules so made shall be laid before both Houses of Parliament and such rules shall cease to have effect in case of disapproval by either House within one month thereafter."

Committee divided.

Ayes, 7.

Mr. Forster,
Mr. Murray,
Mr. Dickson,
Mr. Donaldson,
Mr. Moriarty,
Mr. Weckes,
Mr. G. Macleay, } Tellers.

Noes, 15.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Gordon,
Mr. Byrnes,
Mr. Piddington,
Mr. White,
Mr. Suttor,
Mr. Jones,
Mr. Dalley,
Mr. Egan,
Mr. G. Macleay,
Mr. Faucett,
Mr. J. Campbell, } Tellers.

Clause further amended by the addition, at the end thereof, of the words "The first set of Rules so made shall be subject to the approval of the Judges of the Supreme Court, or any two of them." (*Mr. Faucett*);—
And, as so amended, carried. (*Mr. Martin.*)

No. 4.

MUNICIPALITIES BILL. (*Re-committed.*)

New Clause as proposed by Mr. Forster, and amended in the Committee:—

All fees from publicans' spirit merchants' hawkers' auctioneers' or other licenses,—all tolls or other such charges taken at or upon public ferries bridges or roads being other than main roads—all fees or rates taken at or derivable from public pounds or the proceeds thereof respectively after deduction of necessary expenses of collection accruing within the limits of any Municipality established in accordance with the provisions of this Act—shall be and the same are hereby required to be paid by the parties respectively liable or by the persons respectively authorised to collect or demand the same into the hands of the Chairman of such Municipality or of any person by him duly authorised to receive the same to be by him applied to the purposes of this Act and for the use and benefit of such Municipality,—*Read.*

Motion made and Question put,—That the proposed new Clause, as read, stand part of the Bill, to follow Clause 79 as printed. (*Mr. Forster.*)

Committee divided.

Ayes, 11.

Mr. Wild,
Mr. Faucett,
Mr. W. Macleay,
Mr. Smith,
Mr. Macarthur,
Mr. Hay,
Mr. Lord,
Mr. Suttor,
Mr. W. B. Tooth,
Mr. Williamson,
Mr. Forster, } Tellers.

Noes, 14.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Dr. Aldcorn,
Mr. White,
Mr. Murray,
Mr. Weckes,
Mr. Gordon,
Mr. Piddington,
Mr. Byrnes,
Mr. J. Campbell,
Mr. Dickson,
Mr. Jones, } Tellers.

THURSDAY, 2 SEPTEMBER, 1858.

No. 5.

PASTORAL LANDS ASSESSMENT AND RENT BILL.

Motion made (*Mr. Robertson*) and Question put,—That the following new Clause stand part of the Bill, to follow Clause 1 as carried :—

The boundaries of the several pastoral Districts shall be those in the Schedule annexed to this Act marked B*

(*The following is the Schedule referred to—which had been printed and circulated—but not proposed in the Committee :—

SCHEDULE B.

Descriptions.

- Class 1. Embracing the Pastoral Districts of Murrumbidgee, Lower Darling, and Albert, and part of that of Lachlan; and bounded on the east by the Snowy Mountains, being a portion of the Great Dividing Range, from the boundary between New South Wales and Victoria, to the source of the Murrumbidgee River, by that river, downwards, and the Counties of Murray and King, to the range dividing the waters of the Murrumbidgee and Lachlan Rivers, by that range, westerly, to a point due south of the confluence of Kalingalungaguy Creek with the Lachlan River, by a line north to that confluence, by a line thence, north-westerly, to Fort Bourke on the Darling River, and by that river, upwards, to the 30th parallel of south latitude; on the north by that parallel, westerly, to the boundary between New South Wales and South Australia; on the west by that boundary, being the 141st meridian of east longitude, southerly, to the Murray River; and on the south by the Murray River, which forms the boundary between New South Wales and Victoria, to the source of that river, nearest to Cape Howe, in the Snowy Mountains aforesaid.*
- Class 2. Embracing the Pastoral District of Liverpool Plains; bounded on the north, from Pockataroo, by the range dividing the waters of Thalaba Creek and the Namoi River from those of the Gwydir River, to the fall at the western extreme of the New England table land; on the east by the fall of the table land; on the south by the Liverpool Range, and the Warragabangle Range, westerly; on the west by the range dividing the waters of the Castlereagh and Namoi Rivers, to the confluence of the Namoi River with the Barwan, and thence by a line, bearing north, to a line from Pockataroo to the Rocky Ford on the Narran River in latitude 29° 20' south; and again on the north by that line easterly, to Pockataroo, aforesaid. Embracing also the Pastoral District of Moreton, and part of that of Darling Downs; bounded on the north by the Glass House Range, from the sea-coast to "Jemma," by the range thence, dividing the waters of the Brisbane and Burnett Rivers, to the Great Dividing Range, and by that range, westerly, to the source of Tanning Creek; on the west by Tanning Creek to Dogwood Creek, and by that creek to its confluence with the Balonne River, and thence by a line south, to the range forming the southern watershed of the Condamine River; on the south by that range easterly, to the Great Dividing Range, by that range, north-easterly, to the range dividing the waters of the Clarence, Richmond, and Tweed Rivers, from those of the Logan and other rivers, and by that range to the sea at Point Danger; and on the east by the sea, to the Glass House Range, aforesaid: but excluding the Settled Districts in the County of Stanley, and on the sea-coast, as determined by the Orders in Council of 9th March, 1847.*
- Class 3. Embracing the Pastoral Districts of Wellington, Bligh, and Gwydir, and part of those of Darling Downs and Lachlan, and bounded on the north, from the Great Dividing Range, by the range forming the southern watershed of the Condamine River, westerly, to a line bearing south from the confluence of Dogwood Creek with the Condamine River, by that line, southerly, to the River Barwan, known also as the Karoola or Macintyre, by that river, downwards, to where the surveyed and marked track from the Balonne crosses it, by that track to Johnstone's station, called Cunninghamdi, on the Mooni River, thence by a line to Sir Thomas Mitchell's Camp 1, on the Culgoa, by that line prolonged till it meets the 28th parallel of south latitude, and by that parallel, westerly to the River Warrego; on the west by the River Warrego, downwards to the 30th parallel of south latitude, by that parallel, easterly, to the River Darling, by that river, downwards to Fort Bourke, and by a line thence, south-easterly, to the confluence of Kalingalungaguy Creek with the Lachlan River, and by a line thence, bearing south, to the range forming the southern watershed of the Lachlan River; on the south by that range, easterly; on the east by the Counties of King, Bathurst and Wellington, the boundary of the Settled Districts within ten miles of the Town of Wellington, and by the County of Bligh, to the Liverpool Range, and by the Warragabangle Range, and the range dividing the waters of the Namoi and Castlereagh Rivers, to the confluence of the Namoi and Barwan Rivers, and thence by a line, bearing north, to a line from Pockataroo to the Rocky Ford on the Narran River, in latitude 29° 20' south; again on the south by that line to Pockataroo, and thence by*
- CLASS 1.*
Pastoral Dis-
tricts of
Murrumbidgee,
Lower Darling,
Albert,
Lachlan (part
of).
- CLASS 2.*
Pastoral Dis-
tricts of
Liverpool Plains,
Moreton,
Darling Downs
(part of).
- CLASS 3.*
Pastoral Dis-
tricts of
Wellington
Bligh,
Gwydir,
Moreton,
Darling Downs
(part of)
Lachlan (part
of).
- the

the range dividing the waters of Thalaba Creek and the Namoi River, from those of the Gwydir River, to the fall at the western extreme of the New England table land; again on the east by the fall of the table land, to a point due west of Mount Gerard, which is near the head of the north branch of the Clarence River; again on the south by a line, towards Mount Gerard, to the Great Dividing Range; and again on the east by that range, northerly, to the range forming the southern watershed of the Condamine River aforesaid.

Embracing also the Pastoral District of Monaro; bounded on the north by the Counties of St. Vincent and Murray, from the sea to the Murrumbidgee River, and by that river to its source in the Snowy Mountains; on the west by the Snowy Mountains, being a portion of the Great Dividing Range, southerly, to the boundary between New South Wales and Victoria; on the south by that boundary to Cape Howe, and on the east by the sea, to the County of St. Vincent aforesaid: but excluding the Settled Districts round Eden, and on the sea coast, as determined by the Orders in Council of 9th March, 1847.

CLASS 4.
Pastoral Districts of
New England
Macleay.
Clarence.

Class 4. Embracing the Pastoral Districts of New England, Macleay, and Clarence; and bounded on the north, from Point Danger, by the range dividing the waters of the Tweed, Richmond, and Clarence Rivers, from those of the Logan and other rivers, to the Great Dividing Range, by that range, southerly, to a point west of Mount Gerard, which is near the head of the north branch of the Clarence River, and by a line bearing west to the fall at the western extreme of the New England table-land; on the west by the fall of the table-land to the Great Dividing Range, and by that range, southerly, and the Mount Royal Range, to the source of the Manning River; on the south by that river to the confluence of the Barnard River, and thence by the County of Macquarie to the sea; and on the east by the sea to Point Danger aforesaid: but excluding the settled districts round Grafton, and on the sea coast, and Clarence and Richmond Rivers, as determined by the Orders in Council of 9th March, 1847.

CLASS 5.
Pastoral Districts of
Wide Bay and
Burnett.
Leichhardt.
Port Curtis.
Maranoon.

Class 5. Embracing the Pastoral Districts of Wide Bay and Burnett, Leichhardt, Port Curtis, and Maranoa; and bounded on the south by the Glass House Range from the sea coast to Jemma, by the range, thence, dividing the waters of the Brisbane and Burnett Rivers, to the Great Dividing Range, and by that range westerly to the source of Tanning Creek; on the east by Tanning Creek to Dogwood Creek, and by that creek to its confluence with the Balonne River, and thence by a line bearing south to the River Barwan; again on the south by that river, downwards, to where the surveyed and marked track to the Balonne River crosses it, by that track to Johnstone's station, called Cunninghamdi, on the Mooni River, thence by a line to Sir Thomas Mitchell's Camp 1 on the Culg-a, by that line prolonged till it meets the 28th parallel of south latitude, and by that parallel, westerly, to the River Warrego; on the west by the River Warrego, upwards, to the confluence of Cunno Creek, and by that creek to its source near Mount Playfair, thence by the Great Dividing Range to the sources of the Mackenzie River, and thence by the range, dividing the waters of the Mackenzie and Belyando Rivers; on the north by the range forming the northern watershed of the Mackenzie and Isaac Rivers, and a line easterly to Cape Palmerston; and again on the east by the sea to the Glass House Range aforesaid: but excluding the Settled Counties at Port Curtis, and the Settled Lands on the sea coast, as determined by the Orders in Council of 8th February, 1855, and 9th March, 1847, respectively.)

Committee divided.

Ayes, 13.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. Weckes,
Mr. Byrnes,
Mr. Taylor,
Mr. Moriarty,
Mr. White,
Dr. Aldcorn,
Mr. Dickson,
Mr. R. Campbell,
Mr. Piddington, } Tellers.
Mr. Scott, }

Noes, 19.

Mr. Hay,
Mr. Murray,
Mr. Macarthur,
Mr. Williamson,
Mr. Richardson,
Mr. Jenkins,
Mr. W. Macleay,
Mr. Forster,
Mr. Jamison,
Mr. Hodgson,
Mr. G. Macleay,
Mr. Jones,
Mr. Thornton,
Mr. Suttor,
Mr. Lloyd,
Mr. Smith,
Mr. J. Campbell,
Mr. Wild, } Tellers.
Mr. Donaldson, }

No. 6.

Question proposed (Mr. Moriarty),—That the following new Clause stand part of the Bill, to follow Clause 1 as printed:—

In respect of any run the right to which shall have been acquired by tender, "one" whole years assessment shall be remitted in favor of the lessee upon its being certified by the Commissioner of the District or otherwise to the satisfaction of the Governor that during three months of the first year of the term of his lease such lessee has bonâ fide occupied the run and pastured thereon not less than one fourth part of the amount of stock which the run shall have been estimated as capable of carrying.

Amendment

Amendment proposed,—That the word "one" be omitted, with a view to the insertion in its place of the word "two." (*Mr. G. Macleay.*)

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

Committee divided.

Ayes, 12.
 Mr. Byrnes,
 Mr. Jones,
 Mr. Egan,
 Mr. Weekes,
 Mr. Forster,
 Mr. Oakes,
 Mr. White,
 Dr. Aldcorn,
 Mr. Dickson,
 Mr. J. Campbell,
 Mr. Murray,
 Mr. Piddington, } Tellers.

Noes, 23.
 Mr. Martin,
 Mr. Cowper,
 Mr. Robertson,
 Mr. R. Campbell,
 Mr. Donaldson,
 Mr. Hay,
 Mr. W. Macleay,
 Mr. Scott,
 Mr. Taylor,
 Mr. Hodgson,
 Mr. G. Macleay,
 Mr. Richardson,
 Mr. Moriarty,
 Mr. Jenkins,
 Mr. Jamison,
 Mr. Thornton,
 Mr. W. B. Tooth,
 Mr. Smith,
 Mr. Lloyd,
 Mr. Macarthur,
 Mr. Lord,
 Mr. Suttor, } Tellers.
 Mr. Wild, }

No. 7.

The Question.—That the word "two" proposed to be inserted in the place of the word "omitted"—having been put and carried;—

Motion made and Question put,—That the Clause, as amended, stand part of the Bill, to follow Clause 1, as printed. (*Mr. Moriarty.*)

Committee divided.

Ayes, 18.
 Mr. Cowper,
 Mr. Robertson,
 Mr. Martin,
 Mr. R. Campbell,
 Mr. Lloyd,
 Mr. Richardson,
 Mr. Thornton,
 Mr. W. B. Tooth,
 Mr. Smith,
 Mr. Hay,
 Mr. Taylor,
 Mr. Moriarty,
 Mr. Jamison,
 Mr. Hodgson,
 Mr. Wild,
 Mr. Macarthur,
 Mr. Scott,
 Mr. G. Macleay, } Tellers.

Noes, 17.
 Dr. Aldcorn,
 Mr. Donaldson,
 Mr. W. Macleay,
 Mr. Jones,
 Mr. Lord,
 Mr. Weekes,
 Mr. Oakes,
 Mr. Byrnes,
 Mr. Forster,
 Mr. White,
 Mr. Piddington,
 Mr. Egan,
 Mr. Suttor,
 Mr. Murray,
 Mr. J. Campbell,
 Mr. Gordon, } Tellers.
 Mr. Dickson, }

No. 8.

Clause 2 as amended. Every such yearly assessment shall be held to commence from the first day of January in each year and shall be paid in respect of the present year on or before the thirty-first day of December next and in respect of the next year on or before the thirtieth day of "September" And every such payment shall be made at the office of the Colonial Treasurer in Sydney And in default of payment of any such assessment "within one month next "after" the day so appointed for payment thereof the Colonial Treasurer shall issue a warrant under his hand to some fit person to be named therein and authorized thereby directing him and his assistants to levy the amount of assessment then due together with an additional sum equal to one-fifth part of such amount by way of penalty by distress of a sufficient part of the stock upon the lands held by the defaulter And the person so authorized and his assistants shall under such warrant distrain take and drive to the most convenient pound such and so many of the said stock as shall be sufficient when sold to pay such assessment and penalty and the costs and expenses of such distress and of the driving care and maintenance of such stock till sold and shall sell such stock at such pound as in the case of a sale for trespass And the proceeds of such sale shall be applied in payment of such assessment penalty costs and expenses And the surplus if any shall be paid to the owner or superintendent of the stock sold Provided that in case the amount of the assessment penalty costs and expenses shall be tendered to the person charged with the execution of such warrant such person shall receive the said amount and give a receipt for the same and shall refrain from making or further proceeding under the said distress Provided also that if no sufficient distress be found on any such Run notice thereof shall be published in the *Government Gazette* and unless the full amount due for assessment penalty and costs be paid within one month after the date of such publication such Run and all claim thereto shall become forfeited and the amount then still due may be recovered by suit at law by or in the name of the Colonial Treasurer—*Read*

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

Motion made and Question put,—That the Clause be further amended, by the insertion, after the word "September," of the words "and the Assessment for the present year shall nevertheless be subject to an abatement of half the amount fixed as the yearly assessment under this Act." (*Mr. Hay*)

Committee divided.

Ayes, 9.	Nocs, 25.
Mr. Wild,	Mr. Cowper,
Mr. Forster,	Mr. Martin,
Mr. Macarthur,	Mr. Robertson,
Mr. Taylor,	Mr. R. Campbell,
Mr. Lloyd,	Dr. Aldcorn,
Mr. W. B. Tooth,	Mr. Dickson,
Mr. G. Macleay,	Mr. Richardson,
Mr. W. Macleay,	Mr. Egan,
Mr. Hay,	Mr. Thornton,
} Tellers.	Mr. Lord,
	Mr. Weckes,
	Mr. Williamson,
	Mr. White,
	Mr. Hodgson,
	Mr. Jamison,
	Mr. Oakes,
	Mr. Murray,
	Mr. Byrnes,
	Mr. Piddington,
	Mr. Smith,
	Mr. Gordon,
	Mr. J. Campbell,
	Mr. Jones,
	Mr. Donaldson,
	Mr. Moriarty,
	} Tellers.

Clause further amended by the substitution of the words "on or before" for the words "within one month next after";—and, as so amended, Carried. (*Mr. Robertson.*)

No. 9.

Motion made (*Mr. Forster*) and Question put,—That the following new Clause stand part of the Bill, to follow Clause 2 as printed:—

After the passing of this Act it shall not be lawful to issue or renew leases of Crown Lands for any longer period than from year to year except in pursuance of a previous promise or agreement and no right to leases other than above specified shall accrue to any person in future whether by tender or determination of a previous lease or otherwise.

Committee divided.

Ayes, 7	Nocs, 29.
Dr. Aldcorn,	Mr. Cowper,
Mr. Dickson,	Mr. Martin,
Mr. W. Macleay,	Mr. Robertson,
Mr. Egan,	Mr. R. Campbell,
Mr. Piddington,	Mr. Donaldson,
Mr. Williamson,	Mr. Hay,
Mr. Forster,	Mr. W. B. Tooth,
} Tellers.	Mr. Murray,
	Mr. Oakes,
	Mr. G. Macleay,
	Mr. Hodgson,
	Mr. Lord,
	Mr. Moriarty,
	Mr. White,
	Mr. Byrnes,
	Mr. Weckes,
	Mr. Taylor,
	Mr. Jamison,
	Mr. Wild,
	Mr. Lloyd,
	Mr. Scott,
	Mr. Richardson,
	Mr. Faucett,
	Mr. Suttor,
	Mr. Macarthur,
	Mr. Smith,
	Mr. J. Campbell,
	Mr. Gordon,
	Mr. Jones,
	} Tellers.

No. 10.

Clause 5. This Act shall continue in force until the thirty-first day of December one thousand eight hundred and fifty-nine and no longer,—*Read.*

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

Committee

Committee divided.

Ayes, 17.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Oakes,
Mr. Byrnes,
Mr. Egan,
Mr. White,
Mr. Weekes,
Mr. Moriarty,
Mr. Taylor,
Mr. Scott,
Dr. Aldcorn,
Mr. Forster,
Mr. J. Campbell,
Mr. Dickson,
Mr. Piddington, } Tellers.

Noes, 18.

Mr. Suttor,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Lloyd,
Mr. Jones,
Mr. Lord,
Mr. Murray,
Mr. Hodgson,
Mr. Jamison,
Mr. Wild,
Mr. W. B. Tooth,
Mr. W. Macleay,
Mr. Richardson,
Mr. Faucett,
Mr. Smith,
Mr. Gordon,
Mr. Hay,
Mr. Donaldson, } Tellers.

No. 11.

Question proposed, (*Mr. Gordon*)—That the following new Clause stand part of the Bill, to follow clause 4 as printed:—

The Assessment on Runs shall be "Ten pounds" for every thousand sheep or their equivalent in cattle and shall *not be altered during the remainder of the term of the leases now promised or existing under the Orders in Council.*

Amendment proposed,—That the words "ten pounds" be omitted, with a view to the insertion in their place of the words "seven pounds ten shillings." (*Mr. Hay.*)

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

Committee divided.

Ayes, 12.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Murray,
Mr. Byrnes,
Mr. Weekes,
Mr. Scott,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Oakes,
Mr. Gordon, } Tellers.

Noes, 22.

Mr. G. Macleay,
Mr. W. B. Tooth,
Mr. Macarthur,
Mr. Jones,
Mr. W. Macleay,
Mr. Suttor,
Mr. Egan,
Mr. Donaldson,
Mr. Richardson,
Mr. White,
Mr. Smith,
Mr. Hodgson,
Mr. Dickson,
Mr. Piddington,
Mr. Forster,
Mr. Lord,
Mr. Moriarty,
Mr. Wild,
Mr. Jamison,
Mr. Lloyd,
Mr. Hay,
Mr. Faucett, } Tellers.

No. 12.

Afterwards motion made, and Question put,—That the words "six pounds" be inserted in the place of the words omitted. (*Mr. Lord.*)

Committee divided.

Ayes, 10.

Mr. Hodgson,
Mr. Forster,
Mr. Taylor,
Mr. W. Macleay,
Mr. Wild,
Dr. Aldcorn,
Mr. W. B. Tooth,
Mr. Lord,
Mr. Lloyd,
Mr. Moriarty, } Tellers.

Noes, 25.

Mr. Martin,
Mr. Cowper,
Mr. Robertson,
Mr. Hay,
Mr. G. Macleay,
Mr. Murray,
Mr. Macarthur,
Mr. Jones,
Mr. Scott,
Mr. Smith,
Mr. White,
Mr. Richardson,
Mr. Donaldson,
Mr. Egan,
Mr. Suttor,
Mr. Faucett,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Byrnes,
Mr. Piddington,
Mr. Dickson,
Mr. Weekes,
Mr. Jamison,
Mr. Gordon,
Mr. Oakes, } Tellers.

No. 13.

No. 13.

Question put—That the words “seven pounds ten shillings,” proposed to be inserted in the place of the words omitted, be so inserted.

Committee divided.

Ayes, 25.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Mr. Hodgson,
Mr. W. B. Tooth,
Mr. Egan,
Mr. Richardson,
Mr. White,
Mr. Weekes,
Mr. Jones,
Mr. Scott,
Mr. Smith,
Mr. Donaldson,
Mr. Jamison,
Mr. Lloyd,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Suttor,
Mr. Wild,
Mr. J. Campbell,
Mr. Hay,
Mr. Faucett,
Mr. Murray, } Tellers.
Mr. G. Macleay, }

Noes, 8.

Mr. Dickson,
Dr. Aldcorn,
Mr. Forster,
Mr. Moriarty,
Mr. Byrnes,
Mr. Piddington,
Mr. Gordon, } Tellers.
Mr. Oakes, }

No. 14.

Afterwards motion made,—That the proposed new Clause be further amended, by the omission of the words in *Italic*, with a view to the insertion in their place of the words “be in force only till the end of the year one thousand eight hundred and fifty-nine.” (*Mr. Oakes.*)

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

Committee divided.

Ayes, 18.

Mr. Egan,
Mr. Richardson,
Mr. White,
Mr. Jones,
Mr. Taylor,
Mr. G. Macleay,
Mr. Donaldson,
Mr. Jamison,
Mr. Lloyd,
Mr. W. B. Tooth,
Mr. Smith,
Mr. Macarthur,
Mr. Suttor,
Mr. Murray,
Mr. Wild,
Mr. Hay,
Mr. Faucett, } Tellers.
Mr. Hodgson, }

Noes, 17.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Dr. Aldcorn,
Mr. Forster,
Mr. W. Macleay,
Mr. Weekes,
Mr. Moriarty,
Mr. Lord,
Mr. Scott,
Mr. Byrnes,
Mr. Gordon,
Mr. Piddington,
Mr. J. Campbell,
Mr. Dickson, } Tellers.
Mr. Oakes, }

No. 15.

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

Committee divided.

Ayes, 8.

Dr. Aldcorn,
Mr. W. Macleay,
Mr. Forster,
Mr. Lord,
Mr. Gordon,
Mr. Byrnes,
Mr. Piddington, } Tellers.
Mr. Dickson, }

Noes, 26.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Mr. G. Macleay,
Mr. Jones,
Mr. Donaldson,
Mr. Scott,
Mr. Weekes,
Mr. White,
Mr. Smith,
Mr. Hodgson,
Mr. W. B. Tooth,
Mr. Lloyd,
Mr. Moriarty,
Mr. Jamison,
Mr. Macarthur,
Mr. Richardson,
Mr. Egan,
Mr. Hay,
Mr. J. Campbell,
Mr. Faucett,
Mr. Wild,
Mr. Oakes,
Mr. Murray, } Tellers.
Mr. Suttor, }

No. 16.

No. 16.

Afterwards motion made, and Question put,—That the proposed new Clause be further amended, by the addition at the end thereof of the words “ unless sooner repealed.” (Mr. Piddington.)

Committee divided.

Ayes, 15.
 Mr. Cowper,
 Mr. Martin,
 Mr. R. Campbell,
 Dr. Aldcorn,
 Mr. Robertson,
 Mr. Dickson,
 Mr. W. Macleay,
 Mr. Forster,
 Mr. Gordon,
 Mr. Lord,
 Mr. Weekes,
 Mr. Scott,
 Mr. Byrnes,
 Mr. Piddington, } Tellers.
 Mr. Oakes, }

Noes, 19.
 Mr. Murray,
 Mr. Suttor,
 Mr. G. Macleay,
 Mr. Jones,
 Mr. Donaldson,
 Mr. White,
 Mr. Smith,
 Mr. Hodgson,
 Mr. W. B. Tooth,
 Mr. Lloyd,
 Mr. Moriarty,
 Mr. Jamison,
 Mr. Macarthur,
 Mr. Richardson,
 Mr. Egan,
 Mr. Hay,
 Mr. J. Campbell,
 Mr. Wild, } Tellers.
 Mr. Faucett, }

Clause, as amended, Carried. (Mr. Robertson.)

No. 17.

Clause 1. (as amended and re-committed) In addition to the rent reserved by any lease granted or lawfully contracted to be granted or which may be hereafter granted under the said Order in Council of any Run situate beyond the Settled Districts there shall be charged upon and payable by the holder of such Run a yearly assessment in respect of the number of sheep or head of cattle which such run shall have been estimated by competent authority to be capable of carrying and such assessment shall be at “ the several rates set forth in the “ Schedule hereto ” And until such estimate shall have been made such run shall be liable to the like assessment to be computed by the same rule by which the rent of such runs may be determined Provided that such assessment shall be diminished by one-third part in respect of any run the right to which shall have been acquired by tender without public notice and by two-third parts in respect of any run the right to which shall have been obtained under competition by tender after public notice.

Question proposed,—That the Clause be further amended by the omission of the words “ the several rates set forth in the Schedule hereto,” with a view to the insertion in their place of the words “ the rate of seven pounds ten shillings “ for every one thousand sheep or their equivalent in cattle and such rate “ shall not be altered during the remainder of the term of the leases now “ promised or existing under the Orders in Council.” (Mr. Robertson.)

The Question—that the words proposed to be omitted stand part of the Clause—having been put and negatived;—

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

Committee divided.

Ayes, 24.
 Mr. Cowper,
 Mr. Martin,
 Mr. R. Campbell,
 Mr. Robertson,
 Mr. G. Macleay,
 Mr. Murray,
 Mr. Jamison,
 Mr. Egan,
 Mr. White,
 Mr. Smith,
 Mr. W. B. Tooth,
 Mr. Lloyd,
 Mr. Scott,
 Mr. Wild,
 Mr. Richardson,
 Mr. Moriarty,
 Mr. Hay,
 Mr. Faucett,
 Mr. Suttor,
 Mr. J. Campbell,
 Mr. Macarthur,
 Mr. Donaldson,
 Mr. Hodgson, } Tellers.
 Mr. Jones, }

Noes, 6.
 Mr. W. Macleay,
 Mr. Byrnes,
 Mr. Gordon,
 Mr. Oakes,
 Mr. Forster, } Tellers.
 Mr. Piddington, }

Clause, as so amended, Carried. (Mr. Robertson.)

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 21.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 14 SEPTEMBER, 1858.

No. 1.

CHURCH OF ENGLAND AND IRELAND RECORDS REGISTRATION BILL.

Clause 2. And whereas the said Returns and Indexes have since the year one thousand eight hundred and thirty-six been maintained and kept up by the said Secretary at his own personal cost and labour It shall be lawful for the Colonial Treasurer to pay to the said Secretary at the time of such transfer as aforesaid the sum of _____ pounds by way of compensation for his past outlay and services and to charge the said payment upon the Consolidated Revenue Fund,—*Read.*

Question proposed,—That (*with reference to the Message of His Excellency the Governor General, No. 21, referred to this Committee on 17th August last*) the blank be filled with the words “two thousand five hundred.” (*Mr. Owen.*)

Motion made and Question put, That the Chairman now leave the Chair, report progress, and ask leave to sit again this day six months. (*Mr. Flood.*)

Committee divided.

Ayes, 7.

Mr. Gordon,
Mr. Weekes,
Mr. White,
Mr. Flood,
Mr. Plunkett,
Mr. Piddington, } Tellers.
Mr. Dalley, }

Noes, 18.

Mr. Cowper,
Mr. R. Campbell,
Mr. Hay,
Mr. Macarthur,
Mr. Wild,
Mr. Jones,
Mr. Scott,
Mr. Forster,
*Mr. Taylor,
Mr. Williamson,
*Mr. Taylor,
Mr. Richardson,
Mr. Hodgson,
Mr. Jenkins,
Mr. Smith,
Mr. J. Campbell,
Mr. Owen, } Tellers.
Mr. Donaldson, }

* So in Tellers' List.

No. 2.

Original Question stated.

Afterwards proposed,—That the blank be placed with the words “two thousand.” (*Mr. J. Campbell.*)

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again on Thursday week. (*Mr. Jones.*)

Committee divided.

And the Tellers reporting the numbers as follows :—

Ayes, 16.	Noes, 2.
Mr. Cowper,	} Tellers.
Mr. R. Campbell,	
Mr. Wild,	
Mr. Macarthur,	
Mr. Hay,	
Mr. Williamson,	
Mr. Hodgson,	
Mr. Donaldson,	
Mr. Jenkins,	
Mr. Taylor,	
Mr. Plunkett,	
Mr. J. Campbell,	
Mr. Scott,	
Mr. Smith,	
Mr. Owen, } Tellers.	
Mr. Jones, }	

And it appearing by the said report that there was not a Quorum of Members present;—

The Chairman left the Chair to report the same to the House.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 22.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

THURSDAY, 23 SEPTEMBER, 1858.

No. 1.

SUPPLY—ADDITIONAL ESTIMATE FOR 1858.

(Military.)

Motion made and Question put,—That there be granted to Her Majesty, as an additional charge for the year 1858, a sum not exceeding £175, to defray the Passage to England of Colonel Bloomfield of the 11th Regiment. (*Mr. Cowper.*)

Committee divided.

And the Tellers reporting the numbers as follows:—

Ayes, 9.	Noes, 10.
Mr. Cowper, ✓	Mr. Gordon, ✓
Mr. R. Campbell, ✓	Mr. Egan, ✓
Mr. Robertson, ✓	Mr. Flood, ✓
Mr. J. Campbell, ✓	Mr. Richardson, ✓
Mr. Donaldson, ✓	Mr. Scott, ✓
Mr. Hay, ✓	Mr. Weckes, ✓
Mr. Taylor, ✓	Mr. White, ✓
Mr. Plunkett, } Tellers.	Mr. Forster, ✓
Mr. Byrnes, } Tellers.	Mr. Williamson, } Tellers.
	Mr. Smith, } Tellers.

And it appearing by the said Report that there was not a Quorum of Members present;—

The Chairman left the Chair, to report the same to the House.

* * * * *

No. 2.

Committee resumed;—

Question again put.

Committee divided.

Ayes, 10.	Noes, 10.
Mr. Cowper,	Mr. Gordon,
Mr. J. Campbell,	Mr. Egan,
Mr. R. Campbell,	Mr. Flood,
Mr. Robertson,	Mr. Richardson,
Sir Daniel Cooper,	Mr. Weckes,
Mr. Donaldson,	Mr. White,
Mr. Hay,	Mr. Scott,
Mr. Taylor,	Mr. Forster,
Mr. Plunkett, } Tellers.	Mr. Williamson, } Tellers.
Mr. Byrnes, } Tellers.	Mr. Smith, } Tellers.

Whereupon, the numbers being equal, the Chairman gave his vote with the "Noes," and declared the Question to have passed in the *Negative*.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 23.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

THURSDAY, 30 SEPTEMBER, 1858.

No. 1.

STEAM POSTAL COMMUNICATION BILL.

Motion made and Question put,—That the following new Clause stand part of the Bill, to follow Clause 2, as printed :—

3. No contract shall be concluded under this Act which shall allow more than sixty days for the delivery of the English mails at Sydney, unless such contract shall have been first referred to the Governor General and Executive Council of this Colony. (Mr. Donaldson.)

Committee divided.

Aycs, 19.

- Mr. Cowper,
- Mr. Martin,
- Mr. R. Campbell,
- Mr. Robertson,
- Mr. Richardson,
- Mr. Jenkins,
- Mr. Hay,
- Mr. Flood,
- Mr. Thornton,
- Mr. Jamison,
- Mr. Forster,
- Mr. Donaldson,
- Mr. Taylor,
- Mr. Wild,
- Mr. J. Campbell,
- Dr. Bowker,
- Mr. Plunkett,
- Mr. Scott, } Tellers.
- Mr. Dickson, }

Noes, 3.

- Mr. Byrnes,
- Mr. Denichy, } Tellers.
- Mr. Piddington, }

No. 2.

SUPPLY—ADDITIONAL ESTIMATE FOR 1858.

(Military.)

Question proposed,—That there be granted to Her Majesty, as an Additional charge for the year 1858, a sum not exceeding £10,397 5s. 11d., to defray the expense of the Military Establishment; being £3,150 2s. for Two Companies maintained at the expense of the Colony; and £7,247 3s. 11d., for the General Service of the Military. (Mr. Cowper.)

Afterwards proposed,—That there be granted a sum not exceeding £10,306 0s. 11d. for this service, (being less than the Original Estimate by £91 5s., the proposed stipend of "Acting Chaplain.") (Mr. Plunkett.)

Afterwards proposed,—That there be granted a sum not exceeding £10,374 9s. 8d. for this service, (being less than the Original Estimate by £22 16s. 3d, *i. e.* a reduction to that extent on the proposed stipend of "Acting Chaplain."
(*Mr. Weekes.*)

Question put,—That there be granted a sum not exceeding £10,306 0s. 11d for this service.

Committee divided.

Ayes, 12.	Noes, 12.
Mr. Piddington,	Mr. Cowper,
Mr. Dickson,	Mr. Martin,
Mr. Thornton,	Mr. Robertson,
Mr. Richardson,	Mr. R. Campbell,
Mr. Hay,	Mr. Taylor,
Mr. Egan,	Mr. Weekes,
Mr. Denichy,	Mr. Jamison,
Mr. Forster,	Mr. Byrnes,
Mr. Flood,	Mr. Wild,
Mr. White,	Mr. J. Campbell,
Mr. Smith,	Mr. Scott, } Tellers.
Mr. Plunkett, } Tellers.	Mr. Jenkins, }

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

No. 3.

Question put,—That there be granted a sum not exceeding £10,374 9s. 8d., for this service.

Committee divided.

Ayes, 14.	Noes, 10.
Mr. Dickson,	Mr. Cowper,
Mr. Byrnes,	Mr. Martin,
Mr. Weekes,	Mr. R. Campbell,
Mr. Thornton,	Mr. Robertson,
Mr. Richardson,	Mr. J. Campbell,
Mr. Piddington,	Mr. Wild,
Mr. Hay,	Mr. Jamison,
Mr. White,	Mr. Taylor,
Mr. Smith,	Mr. Jenkins, } Tellers.
Mr. Denichy,	Mr. Egan, }
Mr. Forster,	
Mr. Flood,	
Mr. Plunkett, } Tellers.	
Mr. Scott, }	

No. 4.

(*Naval Allowance.*)

Motion made and Question put,—That there be granted to Her Majesty, as an Additional Charge for the year 1858, a sum not exceeding £3,674 6s. 8d. to defray a Naval Allowance. (*Mr. Couper.*)

Committee divided.

Ayes, 16.	Noes, 9.
Mr. Cowper,	Mr. Weekes,
Mr. R. Campbell,	Mr. Jones,
Mr. Robertson,	Mr. Forster,
Mr. Smith,	Mr. Byrnes,
Mr. Hay,	Mr. Richardson,
Mr. Scott,	Mr. Denichy,
Mr. Taylor,	Mr. Dickson,
Mr. Egan,	Mr. Gordon, } Tellers.
Mr. Jamison,	Mr. Flood, }
Mr. Wild,	
Mr. Martin,	
Mr. Dalley,	
Mr. White,	
Mr. J. Campbell,	
Mr. Piddington, } Tellers.	
Mr. Thornton, }	

No. 5.

(*Volunteer Corps.*)

Motion made and Question put,—That there be granted to Her Majesty, as an Additional charge for the year 1858, a sum not exceeding £500, to defray the expense of a Volunteer Corps. (*Mr. Couper.*)

Committee divided.

Ayes, 13.	Noes, 10.
Mr. Martin,	Mr. Dalley,
Mr. Cowper,	Mr. White,
Mr. R. Campbell,	Mr. Forster,
Mr. Robertson,	Mr. Jones,
Mr. Weekes,	Mr. Thornton,
Mr. Scott,	Mr. Byrnes,
Mr. Taylor,	Mr. Richardson,
Mr. Jamison,	Mr. Dickson,
Mr. Hay,	Mr. Piddington, } Tellers.
Mr. Smith,	Mr. Egan, }
Mr. J. Campbell,	
Mr. Gordon, } Tellers.	
Mr. Plunkett, }	

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 24.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

FRIDAY, 8 OCTOBER, 1858.

No. 1.

PETITION OF MR. T. G. RUSDEN, (as printed by order of the Assembly on 1st October, 1858) under consideration.

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

" The Petition of Thomas George Rusden,—

" HUMBLY SHEWETH:—

" That your Petitioner has good grounds, and believes, and, if called upon, undertakes to prove, to the satisfaction of your Honorable House, that Mr. Abram Orpen Moriarty, who was returned at the last General Election as a Member of the Legislative Assembly for Electoral District of New England, was at the time disqualified and by law incapable of being duly elected, or of sitting or voting in that capacity; and further, that the said Mr. Abram Orpen Moriarty was so returned by corrupt practices of persons acting on his behalf, whether with or without his knowledge and cognizance.

" That your Petitioner complained against the return of the said Mr. Abram Orpen Moriarty, on the 14th of February last, by petition to the Governor General, containing the above allegations, and paid the sum of One hundred pounds to the credit of the Speaker, in the form and manner and within the time required by law in cases of alleged disqualification.

" That your Petitioner also complained against the return of the said Mr. Abram Orpen Moriarty, by petition to the Speaker, and paid a further sum of One hundred pounds to his credit, in the form and manner and within the time required by law in cases of alleged corruption.

" That your Petitioner's petitions were in due form referred by your Honorable House to the Committee of Elections and Qualifications.

" That your Petitioner, after considerable delay, was summoned and attended five times before the said Committee.

" That the said Committee did not inquire into your Petitioner's case upon its merits, but dismissed it without taking evidence, upon purely formal and technical grounds, namely—on the grounds of your Petitioner's not having complied with the forms of law in the manner of bringing his Petition before your Honorable House.

" That on these grounds, and these only, your Honorable House was induced to rescind its previous vote by which your Petitioner's case had been referred to the said Committee.

" That

" That your Petitioner denies that he has in any way failed to comply with the requirements of the law ; but, even were such failure on the part of your Petitioner capable of proof, your Petitioner submits that the reference of his case by your Honorable House to the said Committee cured all previous irregularities, and that, therefore, the said Committee was bound to inquire into your Petitioner's case upon its merits, and to determine the matter according to equity and good conscience, without regard to legal forms.

" That your Petitioner sincerely believes that your Honorable House has been surprised, or, it may be, misled, into a hasty decision in the matter of your Petitioner, upon insufficient grounds, and without due consideration of all the circumstances.

" That your Petitioner further respectfully submits, that the interests of justice, and the dignity and character of your Honorable House, are concerned in affording your Petitioner a fair opportunity of substantiating the charges he has made against a Member of your Honorable House, and in a full and equitable investigation of such charges.

" That your Petitioner is debarred from other means of inquiry and redress than by application to your Honorable House. And your Petitioner, therefore, prays that on the above premises your Honorable House will reconsider its decision, and afford your Petitioner such remedy as the justice of the case may require.

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

" T. G. RUSDEN."

Resolution proposed,—That this Committee, having considered the Petition of Mr. T. G. Rusden, (ordered by the Legislative Assembly to be printed on the 1st October, 1858,) recommend that the same be referred to " the Committee of Elections and Qualifications," with an instruction to inquire into the " Truth of the Allegations contained in the said Petition." (*Mr. Denichy.*)

1st Amendment proposed,—That the words " Truth of the Allegations contained in the said Petition " be omitted, with a view to the insertion in their place of the words " alleged disability or disqualification of Mr. Moriarty to be elected and returned as a Member to serve in the Assembly at the time of his election, as one of the Members for the Electoral District of New England and Macleay." (*Mr. Hay.*)

2nd Amendment proposed,—That the words " the Committee of Elections and Qualifications " be omitted, with a view to the insertion in their place of the words " a Select Committee." (*Mr. Faucett.*)

Question put,—(*on Mr. Faucett's motion, as affecting the earlier part of the Question*) That the words " the Committee of Elections and Qualifications " proposed to be omitted, stand part of the proposed Resolution.

Committee divided.

Ayes, 10.

Mr. Piddington,
Mr. White,
Mr. Wild,
Mr. Thornton,
Mr. Flood,
Mr. Hay,
Mr. Plunkett,
Mr. Smith,
Mr. Denichy, } Tellers.
Mr. Dalley, }

Noes, 12.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Scott,
Mr. Dickson,
Mr. Egan,
Mr. Weekes,
Mr. Forster,
Mr. Jones,
Mr. J. Campbell,
Mr. Faucett, } Tellers.
Mr. Williamson, }

No. 2.

Question put,—That the words " a Select Committee," proposed to be inserted in the place of the words omitted, be so inserted.

Committee divided.

Ayes, 6.

Mr. Forster,
Mr. Egan,
Mr. J. Campbell,
Mr. Faucett,
Mr. Jones, } Tellers.
Mr. Weekes, }

Noes, 16.

Mr. Cowper,
Mr. Williamson,
Mr. Robertson,
Mr. R. Campbell,
Mr. Wild,
Mr. Thornton,
Mr. White,
Mr. Dalley,
Mr. Denichy,
Mr. Flood,
Mr. Piddington,
Mr. Hay,
Mr. Smith,
Mr. Plunkett,
Mr. Scott, } Tellers.
Mr. Dickson, }

No further progress—Committee counted out.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 25.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

THURSDAY, 14 OCTOBER, 1858.

No. 1.

SUPPLY—ADDITIONAL ESTIMATE FOR 1858.

(Miscellaneous Services.)

Question proposed—That there be granted to Her Majesty, a sum not exceeding £2,731 12s. 8d., to defray the Supplementary Charge for the year 1858, for sundry Miscellaneous Services—being £500 Deficiency in the Votes for Electoral purposes, 1856-7; £500, preliminary expenses of initiating Municipal Institutions; £433 17s. 8d., Deficiency in the amount voted for Paper and Parchment for Printing for the Public Service generally; £900, towards the relief of unemployed Laborers in the City of Sydney; £300, Allowance to the late Colonial Agent General (W. Barnard) for one year, in order that he may give any assistance which may be required by the Oriental Bank and Messrs Lloyd, Beilby, & Co.; and £92 15s., Expense of firing the Noon Gun. (Mr. Cowper.)

Motion made and Question put,—That there be granted a sum not exceeding £2,713 7s. 8d. for this service, (being £18 5s. less than the original Estimate, *i. e.*, a reduction to that extent on the amount of £92 15s., proposed to meet the expense of firing the Noon Gun.) (Mr. Weekes.)

Committee divided.

Ayes, 9.

Mr. Piddington,
Mr. White,
Mr. Forster,
Mr. Williamson,
Mr. Egan,
Mr. Denichy,
Mr. Gordon,
Mr. Byrnes, } Tellers.
Mr. Weekes, }

Noes, 15.

Mr. Cowper,
Mr. R. Campbell,
Mr. Donaldson,
Mr. Jenkins,
Mr. Smith,
Mr. Taylor,
Mr. Owen,
Mr. Thornton,
Mr. Jones,
Mr. Dickson,
Mr. Wild,
Mr. J. Campbell,
Mr. Robertson,
Mr. Hay, } Tellers.
Mr. G. Macleay, }

Original Question put and carried.

542—

No. 2.

No. 2.

Question proposed,—That there be granted to Her Majesty, as an Additional Charge for the year 1858, a sum not exceeding £2,500, as Compensation to the Secretary of the Lord Bishop of Sydney, for personal cost and labor in keeping up and maintaining the Records of Marriages, Baptisms, and Burials, relating to the United Church of England and Ireland, on the transfer of these Records to the Office of the Registrar General. (*Mr. Cowper.*)

Motion made and Question put,—That there be granted a sum not exceeding £1,000 for this service, (being £1,500 less than the Original Estimate. (*Mr. Piddington.*))

Committee divided.

Ayes, 9.

Mr. Egan,
Mr. Byrnes,
Mr. Deniehy,
Mr. Weekes,
Mr. Thoruton,
Mr. White,
Mr. Dickson,
Mr. Piddington, } Tellers.
Mr. Gordon,

Nocs, 14.

Mr. Cowper,
Mr. R. Campbell,
Mr. Donaldson,
Mr. Wild,
Mr. Smith,
Mr. Jenkins,
Mr. Williamson,
Mr. G. Macleay,
Mr. Forster,
Mr. Taylor,
Mr. Jones,
Mr. Hay,
Mr. J. Campbell, } Tellers.
Mr. Owen,

No 3.

Original Question stated.

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £1,250 for this service (being £1,250 less than the original estimate.) (*Mr. Piddington.*)

Committee divided.

Ayes, 7.

Mr. Byrnes,
Mr. Piddington,
Mr. Deniehy,
Mr. White,
Mr. Dickson,
Mr. Egan, } Tellers.
Mr. Gordon,

Nocs, 14.

Mr. Cowper,
Mr. R. Campbell,
Mr. Smith,
Mr. Taylor,
Mr. Williamson,
Mr. G. Macleay,
Mr. Forster,
Mr. Jenkins,
Mr. Jones,
Mr. Hay,
Mr. Owen,
Mr. J. Campbell,
Mr. Wild, } Tellers.
Mr. Donaldson,

Original Question stated.

Whereupon, notice being taken, that there was not a Quorum of Members present, the Committee was counted; and, there not being Twenty Members present exclusive of the Chairman, the Chairman left the Chair to report the same to the House.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 26.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

WEDNESDAY, 27 OCTOBER, 1858.

No. 1.

SUPPLY—ADDITIONAL ESTIMATE FOR 1858.

(Moreton Bay Court.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £350, to defray the Additional Charge of the Moreton Bay Court Establishment, for the year 1858—(being for Increases to Salaries as follows:—Crown Prosecutor, from £300 to £500, £200; and District Sheriff, from £300 to £450, £150.) *(Mr. Cowper.)*

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £300 for this service—(being £50 less than the original Estimate, *i.e.*, a reduction to that extent on the proposed increase to the Crown Prosecutor.) *(Mr. Forster.)*

Committee divided.

Ayes, 6.

Mr. Donaldson,
Mr. Tooth,
Mr. G. Macleay,
Mr. Egan,
Mr. Forster, } Tellers.
Mr. Rotton, }

Noes, 16.

Mr. Rotton,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Mr. Owen,
Mr. Deniehy,
Mr. Byrnes,
Mr. Dalley,
Mr. Piddington,
Mr. Weekes,
Mr. Taylor,
Mr. Wild,
Mr. Jenkins,
Mr. J. Campbell,
Mr. Dickson, } Tellers.
Mr. Hodgson, }

Original Question put and carried.

No. 2.

(District Courts.)

Question proposed,—That there be granted to Her Majesty, as an Additional Charge for the year 1858, a sum not exceeding £1,700, to defray the Salaries and Contingencies of District Courts, from the 1st November. *(Mr. Cowper.)*

Motion made and Question put,—That the consideration of this item be postponed. *(Mr. Deniehy.)*

Committee divided.

Ayes, 5.

Mr. Egan,
Mr. Donaldson,
Mr. Forster,
Mr. Denichy, }
Mr. Rotton, }

Noes, 18.

Mr. Martin,
Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Owen,
Mr. Piddington,
Mr. Wild,
Mr. Jenkins,
Mr. Weekes,
Mr. Byrnes,
Mr. Smith,
Mr. R. Tooth,
Mr. Taylor,
Mr. Jones,
Mr. Plunkett,
Mr. J. Campbell,
Mr. Dickson, }
Mr. G. Macleay, } Tellers.

Original Question put and carried.

No. 3.

(*Sydney Mint.*)

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £109 10s. to defray the additional charge of the Sydney Mint Establishment for the year 1858; being for the pay of an additional Police Constable, at 6s. per diem. (*Mr. Robert Campbell.*)

Committee divided.

Ayes, 14.

Mr. Cowper,
Mr. R. Campbell,
Mr. Martin,
Mr. Owen,
Mr. Donaldson,
Mr. Thornton,
Mr. G. Macleay,
Mr. Wild,
Mr. Hodgson,
Mr. Taylor,
Mr. Jones,
Mr. J. Campbell,
Mr. Rotton, }
Mr. Dalley, } Tellers.

Noes, 11.

Mr. Piddington,
Mr. Weekes,
Mr. Williamson,
Mr. Dickson,
Mr. Jenkins,
Mr. R. Tooth,
Mr. Forster,
Mr. Plunkett,
Mr. Smith,
Mr. Egan, }
Mr. Denichy, } Tellers.

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 27.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

WEDNESDAY, 3 NOVEMBER, 1858.

No. 1.

SUPPLY—ADDITIONAL ESTIMATE FOR 1858.

Steam Tug, Newcastle.

Motion made and Question put,—That there be granted to Her Majesty, as an Additional Charge for the year 1858, a sum not exceeding £9,700, to defray the Purchase, Maintenance, and Working of a Steam Tug for Newcastle.
(*Mr. R. Campbell.*)

Committee divided.

Ayes, 14.

- Mr. Cowper,
- Mr. Martin,
- Mr. Robertson,
- Mr. Weekes,
- Mr. Jones,
- Mr. Gordon,
- Mr. Piddington,
- Mr. Hodgson,
- Mr. R. Campbell,
- Mr. Owen,
- Mr. J. Campbell,
- Mr. Dickson,
- Mr. Scott,
- Mr. Dalley, } Tellers.

Noes, 16.

- Mr. Donaldson,
- Mr. Jamison,
- Mr. Williamson,
- Mr. Rotton,
- Mr. W. Macleay,
- Mr. Taylor,
- Mr. Paterson,
- Mr. Murray,
- Mr. Forster,
- Mr. G. Macleay,
- Mr. Smith,
- Mr. Hay,
- Mr. Wild,
- Mr. Plunkett,
- Mr. R. Tooth, } Tellers.
- Mr. Jenkins, }

THURSDAY, 4 NOVEMBER, 1858.

No. 2.

ELECTORAL LAW AMENDMENT BILL—LEGISLATIVE COUNCIL'S AMENDMENTS.

Council's (2nd) Amendment:—

Page 1, clause 1, line 14. At the end of the clause *add* the words "*Natural born subject—Every person born in Her Majesty's dominions or either of whose parents was so born.*"
"Naturalized Subject—Every person who in England is or shall be naturalized " and every person made a denizen or having received a certificate under the " eleventh Victoria number thirty-nine and having taken the oath required in " that behalf"—*Read.*

Question proposed,—That this Committee agree to the Legislative Council's amendment, as read. (*Mr. Cowper.*)

Amendment proposed,—That all the words of the paragraph in *Italic* be omitted. (*Mr. Forster.*)

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

Ayes, 17.

Mr. Owen,
Mr. Smith,
Mr. Deniehy,
Mr. Paterson,
Mr. G. Macleay,
Mr. Jenkins,
Mr. Taylor,
Mr. Faucett,
Mr. R. Tooth,
Mr. White,
Mr. Macarthur,
Mr. Dickson,
Mr. W. Macleay,
Mr. Hay,
Mr. Plunkett,
Mr. Jones,
Mr. Piddington, } Tellers.

Noes, 13.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Dalley,
Mr. Rotton,
Mr. Weekes,
Mr. Williamson,
Mr. Forster,
Mr. Egan,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Scott, }

Original Question put and carried.

No. 3.

Council's (3rd) Amendment:—Page 2, clause 3, line 7. At the end of the clause *add* the words "or so soon as the University of Sydney shall be entitled to return a Member to the Assembly of eighty-one Members"—*Read.*

Motion made and Question put,—That this Committee Disagree to the Legislative Council's amendment as read. (*Mr. Cowper.*)

Committee divided.

Ayes, 21.

Mr. Cowper,
Mr. Martin,
Mr. Robertson,
Mr. R. Campbell,
Mr. Weekes,
Mr. Dickson,
Mr. Paterson,
Mr. Egan,
Mr. Rotton,
Mr. Williamson,
Mr. White,
Mr. Jamison,
Mr. Faucett,
Mr. Thornton,
Dr. Bowker,
Mr. Forster,
Mr. Scott,
Mr. J. Campbell,
Dr. Aldcorn,
Mr. Gordon, } Tellers.
Mr. Jones, }

Noes, 16.

Mr. Donaldson,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Owen,
Mr. Jenkins,
Mr. Piddington,
Mr. Dalley,
Mr. R. Tooth,
Mr. Hodgson,
Mr. Taylor,
Mr. Smith,
Mr. W. Macleay,
Mr. Hay,
Mr. Murray,
Mr. Plunkett, } Tellers.
Mr. Doniehy, }

No. 4.

Council's (10th) Amendment:—

Page 3, clause 8, lines 28 to 31. *Omit* the words "of Her Majesty absolutely free shall be qualified to be elected a Member of the Assembly for any Electoral District Provided that no naturalized subject shall be so qualified who shall not have been resident in the Colony for the continuous period of three years at the least;"

Insert the words "shall have resided in this Colony for 'seven' years shall be qualified to be elected a Member of the Assembly for any Electoral District unless disqualified by section seventeen or eighteen of the Constitution Act or unless under section twelve or thirteen of this Act he would be disqualified or incapacitated as an Elector"—*Read.*

Question proposed,—That the Council's amendment be amended by the omission of the word "seven," with a view to the insertion in its place of the word "three." (*Mr. Cowper.*)

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

Committee

Committee divided.

Ayes, 18.
 Mr. Plunkett,
 Mr. Murray,
 Mr. Hodgson,
 Mr. Piddington,
 Mr. W. Macleay,
 Mr. Owen,
 Mr. Jenkins,
 Dr. Bowker,
 Mr. Taylor,
 Mr. Faucett,
 Mr. Hay,
 Mr. G. Macleay,
 Mr. Macarthur,
 Mr. Paterson,
 Mr. R. Tooth,
 Mr. Wild,
 Mr. Gordon,
 Mr. Donaldson, } Tellers.

Noes, 18.
 Mr. Cowper,
 Mr. Martin,
 Mr. Robertson,
 Mr. J. Campbell,
 Dr. Aldcorn,
 Mr. Scott,
 Mr. Rotton,
 Mr. Weekes,
 Mr. Jamison,
 Mr. White,
 Mr. Thornton,
 Mr. Smith,
 Mr. Egan,
 Mr. Forster,
 Mr. Jones,
 Mr. R. Campbell,
 Mr. Dickson,
 Mr. Williamson, } Tellers.

The numbers being equal, the Chairman gave his vote with the "Noes," and declared the Question to have passed in the *Negative*.

The word "five" inserted in the place of the word omitted (Mr. Donaldson—Mr. Cowper consenting), and Council's (10) Amendment, as so amended, agreed to. (Mr. Cowper.)

No. 5.

Council's (11th) Amendment:—

Pages 3 and 4, clause 9, lines 37 to 23. *Omit the words "man of the full age of twenty-one years being a natural born or naturalized subject of Her Majesty and who unless otherwise qualified as hereinafter mentioned shall during six months next before any registration of Electors have resided and at the time of the Election shall reside in the Electoral District for which his vote is to be given And without regard to such residence every such subject of Her Majesty having a freehold estate in possession situate in the district for which his vote is to be given of or to which he has been seized or entitled at law or in equity for at least six months next before the last registration of electors or being the occupant of any house warehouse counting-house office shop or other building and having occupied the same for six months next before such registration or having a leasehold estate in possession situate within such district of which he has been in possession for six months next before such registration or holding at the time of and having held for six months previously to such registration a license from the Government to depasture lands within the district for which his vote is to be given shall be qualified and entitled to vote at the Election of a Member of the Assembly Provided that no person shall be entitled so to vote who is in the Military service and stationed in any garrison or barrack or actually receiving aid from any charitable institution or an idiot or insane or who has been attainted or convicted of treason felony or other infamous offence in any part of Her Majesty's dominions unless he have received a free or conditional pardon for such offence or have undergone the sentence passed on him therefor Provided also that no Inspector General or Metropolitan Superintendent of Police or paid Police Magistrate or Superintendent of Police nor any Clerk of Petty Sessions nor any Clerk Chief or other Constable or person belonging to the Constabulary Force shall during the time he shall continue in any such office be capable of giving his vote for the election of a Member to serve in the Assembly Nor shall by word message writing or in any other manner endeavour to persuade any Elector to give or dissuade any Elector from giving his vote for any candidate And every person so disqualified who shall offend herein shall forfeit the sum of one hundred pounds to be recovered by any person who shall sue for the same by action of debt to be commenced within six months after the commission of the offence Provided that no prohibition or disqualification in this clause shall extend to any member of any militia force or volunteer or yeomanry corps by reason solely of such membership;"*

Insert the words "male subject of Her Majesty of the full age of twenty-one years being natural born or who being a naturalized subject shall have resided in this Colony for 'five' years shall if qualified as in this section is provided and entered on the Roll of Electors and not disqualified or incapacitated for some cause hereinafter specified be entitled to vote at any Election for the Electoral District in respect of which he shall be so qualified that is to say—

Firstly:—Every such subject who at the time of making out the Electoral List in any such District shall reside and during the six months then next preceding shall have resided in that District and who shall then occupy and for the said six months have occupied any house room or building within such District being either separately or jointly with any land within such Dis-

trict

"*trict occupied by him therewith of the annual value of five pounds such occupation being either continuously of the same premises or successively of any two or more respectively of the required value.*"

"Secondly:—Every such subject whether or not so resident as aforesaid who shall have at the time of making out the said Electoral List and for the six months then next preceding shall have had within the District a freehold or leasehold estate in possession or have been in the receipt of the rents and profits thereof for his own use of the *clear annual* value of ten pounds respectively (such leasehold estate having been originally created for a term of not less than three years) or who shall then occupy and for the said six months have occupied within the District any house warehouse counting-house office shop room or building being either separately or jointly with any land within such District occupied by him therewith of the annual value of ten pounds such occupation being either continuously of the same premises or successively of any two or more respectively of the required value or who shall hold and for the said six months shall have held a Crown lease or license to depasture lands within such District or who shall then be entitled to receive and for the said six months have been entitled to receive under a yearly or longer engagement any salary of one hundred pounds a year payable within the District or who shall then be and during the said six months shall continuously have been the owner of money to the amount of fifty pounds deposited by him in any Savings Bank within the District

"Provided that no Elector possessing more than one qualification within the same Electoral District shall be thereby entitled to any additional vote at any Election for that District."—*Read.*

1st Amendment proposed,—That the word "five," in the paragraph headed "Insert," be omitted, and the word "three" substituted. (*Mr. Cowper.*)

2nd Amendment proposed and Question put,—That the article "a" be inserted between the words "*being*" and "*natural*," in the same paragraph, (with a view to the omission respectively of the following words, "*who being a*" and "*shall have resided in this Colony for five years.*" (*Mr. Rotton.*)

Committee divided.

Ayes, 17.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Williamson,
Mr. Weekes,
Mr. Dalley,
Mr. Dickson,
Mr. Gordon,
Mr. Jamison,
Mr. Thornton,
Mr. Deniehy,
Dr. Aldcorn,
Mr. Scott,
Mr. J. Campbell,
Mr. Rotton, } Tellers.
Mr. Forster, }

Noes, 19.

Mr. Faucett,
Mr. Jones,
Mr. Hay,
Mr. R. Tooth,
Mr. Paterson,
Mr. Macarthur,
Mr. Smith,
Mr. Jenkins,
Dr. Bowker,
Mr. G. Macleay,
Mr. Owen,
Mr. Piddington,
Mr. Hodgson,
Mr. W. Macleay,
Mr. Taylor,
Mr. White,
Mr. Donaldson,
Mr. Murray, } Tellers.
Mr. Plunkett, }

Question on the 1st Amendment put and carried.

No. 6.

3rd Amendment proposed,—That all the words in *Italic* in the paragraph headed "*Firstly*," be omitted. (*Mr. Cowper.*)

Whereupon Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again to-morrow, with precedence over all other business on the paper for that day. (*Mr. Donaldson.*)

Committee divided.

Ayes, 20.

Mr. Murray,
Mr. Paterson,
Mr. Hay,
Mr. Smith,
Mr. Macarthur,
Mr. G. M'Leay,
Mr. Faucett,
Mr. Jamison,
Mr. W. M'Leay,
Mr. Jenkins,
Mr. Taylor,
Mr. Thornton,
Mr. R. Tooth,
Mr. White,
Mr. Deniehy,
Mr. Owen,
Mr. Donaldson,
Mr. Plunkett,
Mr. Piddington, } Tellers.
Mr. Hodgson, }

Noes, 16.

Mr. Martin,
Mr. Cowper,
Mr. R. Campbell,
Mr. Weekes,
Mr. Robertson,
Dr. Bowker,
Mr. Forster,
Mr. Dickson,
Mr. Dalley,
Mr. Jones,
Mr. Gordon,
Mr. Williamson,
Mr. J. Campbell,
Dr. Aldcorn,
Mr. Rotton, } Tellers.
Mr. Scott, }

No. 7.

No. 7.

DISTRICTS COURTS BILL—LEGISLATIVE COUNCIL'S AMENDMENTS ON ASSEMBLY'S AMENDMENTS.

(Councils' (1st) proposed Amendment (being in fact a disagreement to an Amendment made by the Assembly in page 2, clause 7, lines 28 to 37 of the Bill as engrossed, but lines 41 to 50 of the Reprint before the Committee.)

Re-insert the words " Provided always that no such Court shall have cognizance " of any action in which the title to land or the validity of any devise " bequest or limitation under any will or settlement shall be in question or " shall have jurisdiction in any action for seduction or criminal conversation " Provided nevertheless that if such title as aforesaid shall incidentally come " in question in any action the Court shall have power to decide the claim " which it is the immediate object of the action to enforce but the judgment " of the Court shall not be evidence of title between the parties or their " privies in any other action in that Court or in any proceedings in any other " Court"—Read.

Motion made and Question put,—That this Committee does not insist upon the Assembly's Amendment. (Mr. Martin.) Committee divided.

Ayes, 21.

- Mr. Cowper,
- Mr. Martin,
- Mr. R. Campbell,
- Mr. Murray,
- Mr. Robertson,
- Mr. Smith,
- Mr. Macarthur,
- Mr. Rotton,
- Mr. Thornton,
- Dr. Bowker,
- Mr. Jamison,
- Mr. Faucett,
- Mr. White,
- Mr. Taylor,
- Mr. Denichy,
- Mr. W. Macleay,
- Mr. Hay,
- Mr. J. Campbell,
- Mr. Plunkett,
- Mr. Paterson, } Tellers.
- Mr. Owen, }

Noes, 2.

- Mr. Scott, } Tellers.
- Mr. Forster, }

All the Council's actual Amendments agreed to.

FRIDAY, 5 NOVEMBER, 1858.

No. 8.

ELECTORAL LAW AMENDMENT BILL—LEGISLATIVE COUNCIL'S AMENDMENTS.

Consideration of Council's (11th) Amendment resumed from yesterday. See Items Nos. 5 and 6 of this Report, ante.

Question put (on Mr. Cowper's motion),—That the words in Italic in the paragraph headed " Firstly," proposed to be omitted, stand part of the proposed amendment.

Committee divided.

Ayes, 17.

- Mr. Wild,
- Mr. Owen,
- Mr. Donaldson,
- Mr. Paterson,
- Mr. Hodgson,
- Mr. Taylor,
- Mr. Faucett,
- Mr. R. Tooth,
- Mr. W. Macleay,
- Mr. Macarthur,
- Mr. Hay,
- Mr. Murray,
- Mr. Smith,
- Mr. Plunkett,
- Mr. Jenkins,
- Mr. Piddington, } Tellers.
- Mr. G. Macleay, }

Noes, 19.

- Mr. Cowper,
- Mr. Martin,
- Mr. R. Campbell,
- Mr. Robertson,
- Mr. Aldcorn,
- Mr. Rotton,
- Mr. Weekes,
- Mr. Forster,
- Mr. Jamison,
- Mr. Thornton,
- Mr. Dickson,
- Mr. White,
- Mr. Denichy,
- Mr. Dalley,
- Mr. Egan,
- Mr. Williamson,
- Mr. J. Campbell,
- Mr. Jones, } Tellers.
- Mr. Scott, }

No. 9.

The words, " Value of one hundred pounds or of the" having been inserted between the words " clear" and " annual" in the paragraph headed " Secondly." (Mr. Jones.)

Proposed,—That the Council's Amendment be further amended by the omission of all the words in Italic, which conclude the paragraph headed " Secondly." (Mr. Cowper.)

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

Committee

Committee divided.

Ayes, 14.

Mr. Donaldson,
Mr. Wild,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Piddington,
Mr. Forster,
Mr. Taylor,
Mr. Fancett,
Mr. Hay,
Mr. R. Tooth,
Mr. Plunkett,
Mr. Jenkins,
Mr. Smith, } Tellers.
Mr. Paterson, }

Noes, 19.

Mr. Cowper,
Mr. Robertson,
Mr. Martin,
Mr. R. Campbell,
Mr. Dickson,
Mr. Weekes,
Mr. Rotton,
Mr. Williamson,
Mr. Thornton,
Mr. Jamison,
Mr. Egan,
Dr. Bowker,
Mr. White,
Mr. Dalley,
Mr. Deniehy,
Mr. Jones,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Scott, }

The Council's (11th) Amendment, as so amended, agreed to. (Mr. Cowper.)

No. 10.

Council's (14th) Amendment:—

Page 5, clause 10, lines 43 to 52. *Omit* the words "without regard to residence
"or other aforesaid qualification shall at the time of any Election of any
"Member for any Gold Fields Electoral District for the six months previous
"thereto have held and shall then hold any Miner's right to dig for gold in
"this Colony still unexpired shall be thereby qualified and entitled to vote at
"such Election for such Member Provided that if he so vote he shall
"although upon the Electoral Roll of any other Electoral District not be
"entitled to vote at the same Election for any Member of such other Electoral
"District And every last named person who shall so vote contrary to this
"proviso shall be deemed guilty of a misdemeanor";

Insert the words "shall at the time of any Election for any Gold Fields Electoral
"District be residing on any proclaimed Gold Field within the same and shall
"have resided thereon or on any other such Gold Field within the same for
"the three months then next preceding and shall have held for the same period
"any Miner's right or business license or mining lease then unexpired or a
"like instrument of which the existing one is a renewal shall be thereby
"qualified to vote at such Election"—*Read.*

Amendment proposed,—That the words in *Italic* be omitted. (*Mr. Jones.*)

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

Committee divided.

Ayes, 8.

Mr. Williamson,
Mr. Donaldson,
Mr. Plunkett,
Mr. Smith,
Mr. Tooth,
Mr. Macarthur,
Mr. Piddington, } Tellers.
Mr. Forster, }

Noes, 21.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Mr. Jones,
Mr. Scott,
Mr. Rotton,
Dr. Aldcorn,
Mr. White,
Dr. Bowker,
Mr. Murray,
Mr. Dalley,
Mr. Hodgson,
Mr. Dickson,
Mr. Egan,
Mr. Hay,
Mr. Owen,
Mr. J. Campbell,
Mr. Deniehy,
Mr. Gordon, } Tellers.
Mr. Jamison, }

*The Council's (14th) Amendment further amended (Mr. Jones); and, as so
amended, agreed to. (Mr. Cowper.)*

No. 11.

Council's (19th) Amendment read:—

After clause 11, *insert* the following new clause to stand clause 16, viz.:—

"16. So soon as there shall be in the University of Sydney not fewer than one
"hundred Graduates who shall have taken therein any or either of the
"Degrees of Master of Arts Doctor of Laws or Doctor of Medicine the said
"University shall return one Member to serve in the Assembly in addition to
"the number of Members hereinbefore mentioned And the first Writ for the
"Election of such Member shall thereupon be issued by the Governor and all
"subsequent Writs in the manner hereinafter provided for Election Writs
"And the following persons shall be entitled to vote at the Election of such
"Member the said persons being of the full age of twenty-one years and
"natural

"natural born or naturalized subjects of Her Majesty and not being disqualified or incapacitated by this Act:—

"The Fellows of the Senate for the time being.

"The Professors and all other Public Teachers and Examiners in the University Schools and the Principals of Incorporated Colleges within the University for the time being.

"Masters of Arts Doctors of Laws or Medicine and all other Members of the University who at the date of the issue of the Writ of Election shall be entitled to vote at Elections for Fellows of the Senate thereof

"And at every Election of such Member the Provost or in his absence the Vice-Provost of the said University shall act as Returning Officer and the Registrar thereof shall act as Polling Clerk And the Books of the University in which shall be registered the names of the persons so qualified to vote shall be deemed to be the Electoral Roll for the said University."

Read.

Motion made and Question put—That this Committee Disagree to the Council's Amendment as read. (*Mr. Cowper.*)

Committee divided.

Ayes, 16.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Martin,
Mr. Egan,
Mr. Gordon,
Mr. Forster,
Mr. Rotton,
Mr. White,
Mr. Scott,
Mr. Paterson,
Mr. Bowker,
Mr. Williamson,
Mr. J. Campbell,
Mr. Jamison, } Tellers.
Mr. Jones, }

Noes, 12.

Mr. Tooth,
Mr. Smith,
Mr. Piddington,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Murray,
Mr. Jenkins,
Mr. W. Macleay,
Mr. Hay,
Mr. Taylor,
Mr. Donaldson, } Tellers.
Mr. Plunkett, }

No. 12.

INSOLVENCIES.

Question proposed—"That" this Committee agree to the following Resolution:—

That an Address be presented to the Governor General, praying that His Excellency will be pleased to cause to be placed upon the Supplementary Estimates for the year 1858; the sum of sixty pounds, to defray the cost of furnishing the returns required from the Official Assignees, as ordered by this House by a Resolution passed on the 30th March last. (*Mr. Thornton.*)

Amendment proposed—That the question be amended by the omission of all the words following the word "That," at the commencement, with a view to the insertion in their place of the following words:—"The Committee disagree to the proposed Address, being of opinion that the Government have failed in their duty to the House in not having procured from the Official Assignees, who are Officers of the Supreme Court, the Returns of Insolveny ordered by the House on the 30th of March last." (*Mr. Donaldson.*)

Point of Order reported.

Committee resumed after midnight.

SATURDAY, 6 NOVEMBER, 1858, A. M.

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

Committee divided.

Ayes, 8.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Thornton, } Tellers.
Mr. Egan, }

Noes, 26.

Mr. Donaldson,
Mr. Hay,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Hodgson,
Mr. W. Macleay,
Mr. Weekes,
Mr. Dickson,
Mr. Dalley,
Mr. Taylor,
Mr. White,
Mr. Gordon,
Mr. Scott,
Mr. Rotton,
Mr. Murray,
Mr. Jenkins,
Mr. Williamson,
Mr. Jones,
Mr. Smith,
Mr. Denichy,
Mr. Piddington,
Mr. Wild,
Mr. Forster,
Mr. Plunkett,
Mr. Fancett, } Tellers.
Mr. R. Tooth, }

No. 13.

No. 13.

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

Committee divided.

Ayes, 19.

Mr. Wild,
Mr. Hay,
Mr. Smith,
Mr. Piddington,
Mr. Jenkins,
Mr. Macarthur,
Mr. Murray,
Mr. Dalley,
Mr. Taylor,
Mr. White,
Mr. G. Macleay,
Mr. R. Tooth,
Mr. Donaldson,
Mr. Hodgson,
Mr. W. Macleay,
Mr. Plunkett,
Mr. Forster,
Mr. Faucett,
Mr. Deniehy, } Tellers.

Noes, 15.

Mr. Cowper,
Mr. Martin,
Mr. R. Campbell,
Mr. Robertson,
Mr. Dickson,
Mr. Thornton,
Mr. Williamson,
Mr. Jones,
Mr. Rotton,
Mr. Egan,
Mr. Scott,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Weekes, }

No. 14.

Question then put—That the Committee disagree to the proposed Address, being of opinion that the Government have failed in their duty to the House in not having procured from the Official Assignees, who are Officers of the Supreme Court, the returns of Insolvency ordered by the House on the 30th of March last.

Committee divided.

Ayes, 19.

Mr. Wild,
Mr. Hay,
Mr. Smith,
Mr. Jenkins,
Mr. Macarthur,
Mr. G. Macleay,
Mr. White,
Mr. Taylor,
Mr. Dalley,
Mr. Murray,
Mr. R. Tooth,
Mr. Deniehy,
Mr. Donaldson,
Mr. Hodgson,
Mr. W. Macleay,
Mr. Plunkett,
Mr. Forster,
Mr. Piddington,
Mr. Faucett, } Tellers.

Noes, 15.

Mr. Martin,
Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Dickson,
Mr. Thornton,
Mr. Williamson,
Mr. Jones,
Mr. Rotton,
Mr. Egan,
Mr. Scott,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Weekes, }

Whereupon Resolution reported. (Mr. Donaldson.)

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 28.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

TUESDAY, 9 NOVEMBER, 1858.

No. 1.

SUPPLY—ADDITIONAL ESTIMATE FOR 1858.

(Roads.)

Motion made and Question put,—That there be granted to Her Majesty, as an Additional Charge for the year 1858, a sum not exceeding £1,500, to meet the probable cost of opening new Streets through Crown Lands in the City of Sydney. (Mr. Robertson.)

Committee divided.

Ayes, 18.

- Mr. Cowper,
- Mr. Thornton,
- Mr. R. Campbell,
- Mr. Robertson,
- Mr. Denichy,
- Mr. Piddington,
- Mr. Owen,
- Mr. Taylor,
- Mr. Murray,
- Mr. Egan,
- Mr. R. Tooth,
- Mr. Flood,
- Mr. Smith,
- Mr. White,
- Dr. Alcorn,
- Mr. Plunkett,
- Mr. Rotton, } Tellers.
- Mr. Dalley, }

Noes, 11.

- Mr. Jenkins,
- Mr. Gordon,
- Mr. Paterson,
- Mr. Marks,
- Mr. Dickson,
- Mr. Macarthur,
- Mr. Jamison,
- Mr. Lloyd,
- Mr. W. B. Tooth,
- Mr. Forster, } Tellers.
- Mr. Hay, }

No. 2.

Motion made and Question put,—That there be granted to Her Majesty, as an Additional Charge for the year 1858, a sum not exceeding £1,500, for the formation of a cut at Kenny's Hill, on the road from Campbelltown to Camden. (Mr. Robertson.)

Committee divided.

Ayes, 24.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Dickson,
Mr. Egan,
Mr. Owen,
Mr. Weekes,
Mr. Thornton,
Mr. W. B. Tooth,
Mr. Hay,
Mr. R. Tooth,
Mr. Taylor,
Mr. Dalley,
Mr. Forster,
Mr. Jones,
Mr. White,
Mr. Murray,
Mr. Smith,
Mr. Flood,
Mr. Macarthur,
Mr. Jenkins,
Mr. Plunkett,
Mr. Rotton, } Tellers.
Mr. Deniehy, }

Noes, 4.

Mr. Jamison,
Mr. Piddington,
Mr. Gordon, } Tellers.
Mr. Paterson, }

WEDNESDAY, 10 NOVEMBER, 1858.

No. 3.

(To be provided for by loan.)

Motion made and Question put,—That there be granted to Her Majesty, as an Additional Charge for the year 1858, a sum not exceeding £10,500, for the erection of an Electric Telegraph from Sydney to Bathurst—to be provided for by Loan. (*Mr. Robertson.*)

Committee divided.

Ayes, 20.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Jamison,
Dr. Dickson,
Mr. Smith,
Mr. Paterson,
Mr. Taylor,
Mr. Williamson,
Mr. Hay,
Mr. Faucett,
Mr. W. Macleay,
Mr. Piddington,
Mr. Murray,
Mr. Lloyd,
Mr. W. B. Tooth,
Mr. J. Campbell,
Mr. Plunkett,
Mr. Rotton, } Tellers.
Mr. Dalley, }

Noes, 11.

Mr. Jones,
Mr. Donaldson,
Mr. Egan,
Mr. R. Tooth,
Mr. White,
Mr. Weekes,
Mr. Owen,
Mr. Gordon,
Mr. Marks,
Mr. Forster, } Tellers.
Mr. Deniehy, }

No. 4.

Motion made and Question put,—That there be granted to Her Majesty, as an Additional Charge for the year 1858, a sum not exceeding £13,000, for the erection of an Electric Telegraph from Sydney to Newcastle by way of Windsor, Wollombi, and Maitland—to be provided for by Loan. (*Mr. Robertson.*)

Committee divided.

Ayes, 20.

Mr. Cowper,
Mr. Robertson,
Mr. J. Campbell,
Mr. Jamison,
Mr. Dickson,
Mr. Smith,
Mr. Paterson,
Mr. Taylor,
Mr. Williamson,
Mr. Hay,
Mr. Faucett,
Mr. W. Macleay,
Mr. Piddington,
Mr. Murray,
Mr. Lloyd,
Mr. W. B. Tooth,
Mr. R. Campbell,
Mr. Plunkett,
Mr. Rotton, } Tellers.
Mr. Dalley, }

Noes, 11.

Mr. Jones,
Mr. Donaldson,
Mr. Deniehy,
Mr. R. Tooth,
Mr. White,
Mr. Weekes,
Mr. Owen,
Mr. Gordon,
Mr. Marks,
Mr. Egan, } Tellers.
Mr. Forster, }

THURSDAY,

THURSDAY, 11 NOVEMBER, 1858.

No. 5.

SUPPLEMENTARY ESTIMATE FOR 1858.

(Charitable Allowances.)

Motion made and Question put—That there be granted to Her Majesty, as a Supplementary Charge for the year 1858, a sum not exceeding £25, to defray the salary of an Inspector of Charitable Institutions, at £100 per annum, from 1 October. (Mr. Cowper.)

Committee divided.

Ayes, 10.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Paterson,
Mr. Taylor,
Mr. Jenkins,
Mr. Plunkett,
Mr. J. Campbell,
Mr. Smith, } Tellers.
Mr. Thornton, }

Noes, 19.

Mr. Donaldson,
Mr. R. Tooth,
Mr. W. Macleay,
Mr. Forster,
Mr. Dalley,
Mr. Owen,
Mr. Dickson,
Mr. Jones,
Mr. Williamson,
Mr. Wild,
Mr. Weekes,
Mr. Rotton,
Mr. Marks,
Mr. Gordon,
Mr. Piddington,
Mr. Deniehy,
Mr. White,
Mr. Faucett, } Tellers.
Mr. Flood, }

No. 6.

(Customs.)

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £39 4s. 8d. to defray the Supplementary charge of the Customs' Establishment, for the year 1858; being for the salary of an additional Clerk at Newcastle, from 8 September, at £125. (Mr. R. Campbell.)

Committee divided—

And the Tellers reporting the Numbers as follows:—

Ayes, 4.

Mr. Cowper,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Robertson,

Noes, 15.

Mr. Donaldson,
Mr. Hay,
Mr. Forster,
Mr. Dickson,
Mr. Plunkett,
Mr. Wild,
Mr. Faucett,
Mr. Smith,
Mr. Owen,
Mr. W. Macleay,
Mr. Piddington,
Mr. Rotton,
Mr. White,
Mr. Williamson, } Tellers.
Mr. Thornton, }

And it appearing by the said Report that there was not a Quorum of Members present;—

The Chairman left the Chair to report the same to the House.

* * * * *

No. 7.

Committee resumed.

Question again put.

Committee divided.

Ayes, 5.

Mr. Gordon,
Mr. R. Campbell,
Mr. Cowper,
Mr. J. Campbell, } Tellers.
Mr. Robertson, }

Noes, 17.

Mr. Donaldson,
Mr. Forster,
Mr. Dickson,
Mr. Hay,
Mr. Piddington,
Mr. Rotton,
Mr. Murray,
Mr. White,
Mr. Macarthur,
Mr. W. Macleay,
Mr. Owen,
Mr. Smith,
Mr. Faucett,
Mr. Wild,
Mr. Plunkett,
Mr. Thornton, } Tellers.
Mr. Williamson, }

No. 8.

No. 8.

(Miscellaneous.)

Motion made and Question put,—That there be granted to Her Majesty, as a Supplementary Charge for Miscellaneous Services for the year 1858, a sum not exceeding £276 18s. 2d., as Gratuity to Alexander Livingstone, on his retirement from the office of Harbour Master, Newcastle, being one month's pay for every year of service. (*Mr. R. Campbell.*)

Committee divided.

Ayes, 12.

Mr. Cowper,
 Mr. Robertson,
 Mr. J. Campbell,
 Mr. R. Campbell,
 Mr. Dickson,
 Mr. Gordon,
 Mr. White,
 Mr. Piddington,
 Mr. Murray,
 Mr. Owen,
 Mr. Williamson, } Tellers.
 Mr. Thornton, }

Noes, 9.

Mr. Forster,
 Mr. Wild,
 Mr. Hay,
 Mr. W. Macleay,
 Mr. Rotton,
 Mr. Macarthur,
 Mr. Smith,
 Mr. Plunkett, } Tellers.
 Mr. Donaldson, }

1858.

NEW SOUTH WALES.

Legislative Assembly.

No. 29.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1858.

WEDNESDAY, 17 NOVEMBER, 1858.

No. 1.

ELECTORAL LAW AMENDMENT BILL—LEGISLATIVE COUNCIL'S MESSAGE IN FURTHER REFERENCE TO AMENDMENTS.

Message of Legislative Council (having reference to Council's Re-print of 2 November):—

MR. SPEAKER,

The Legislative Council having had under consideration the Legislative Assembly's Message, dated the 9th instant, in which it disagrees to some, and proposes further Amendments upon other, of the Council's Amendments in the Bill intituled, "An Act to amend the Electoral Law,"—

Insists upon the Amendment in page 2, clause 3, line 7. Because it cannot adopt the opinion that the representation of the University in the Legislative Assembly is a matter of doubtful expediency, and considers, therefore, that a provision to secure such representation ought not to be omitted in the present settlement of the Electoral Law.

Does not insist upon the Amendment in page 3, clause 5, lines 15 and 16.

Agrees to the Amendment in clause 8, line 32, but proposes further to amend that clause in page 3, line 35, by inserting before the word "twelve," the words "eleven or," and by omitting the words "or thirteen," in which Amendment,—consequent upon the Assembly's Amendment which omits proposed new clause 11,—the Council requests the concurrence of the Assembly.

Agrees to all the Amendments in clause 9.

Agrees to the Amendment after clause 9, by the omission of the new clause proposed to stand clause 11.

Agrees to all the Amendments in clause 10.

Does not insist upon the Amendment in page 6, clause 11, line 14; and agrees to the Assembly's further Amendment consequent on the Council's Amendment. Insists upon the Amendment which proposes the insertion after clause 11, of a new clause to stand clause 16, for the reasons assigned for insisting upon the Amendment in page 2, clause 3, line 7.

And does not insist upon any other of its Amendments in subsequent clauses of the Bill.

In the absence of the President,

GEO. ALLEN,
Chairman of Committees.

Legislative Council Chamber,
Sydney, 16 November, 1858.

—Read.

Motion made and Question put,—That the Committee agree to the following Resolution:—

The Committee does not insist upon disagreement to the Council's Amendment in page 2, clause 3, line 7.

Agrees to the Council's further Amendment in page 3, clause 8, line 35.

And does not insist upon disagreement to the Council's Amendment, which proposes the insertion of a new clause after clause 11. (*Mr. Cowper.*)

Committee divided.

Ayes, 18.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Weekes,
Mr. Wild,
Mr. Piddington,
Mr. Taylor,
Mr. Jenkins,
Mr. Donaldson,
Mr. Marks,
Mr. Lord,
Mr. Egan,
Mr. Richardson,
Dr. Aldcorn,
Mr. J. Campbell,
Mr. Dickson,
Mr. Jones, } Tellers.
Mr. Plunkett, }

Noes, 3.

Mr. Forster,
Mr. Rotton, } Tellers.
Mr. Gordon, }

Resolution reported.

No. 2.

SUPPLY.—ADDITIONAL SUPPLEMENTARY ESTIMATE FOR 1858.

(*Steam Dredge.*)

Motion made and Question put,—That there be granted to Her Majesty, as a Supplementary Charge for the year 1858, a sum not exceeding £1,000, to defray the hire of a Tug and additional Punts, attached to the Steam Dredge, employed in depositing Silt at the Botanic Gardens. (*Mr. R. Campbell.*)

Committee divided.

Ayes, 17.

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Williamson,
Mr. Egan,
Mr. Weekes,
Mr. Jones,
Mr. Gordon,
Mr. Dickson,
Mr. Piddington,
Mr. Forster,
Mr. Smith,
Mr. Richardson,
Mr. J. Campbell,
Mr. Marks,
Mr. Rotton, } Tellers.
Mr. Denichy, }

Noes, 5.

Mr. W. Macleay,
*Mr. Tooth,
Mr. Wild,
Mr. Plunkett, } Tellers.
Mr. Donaldson, }

* So in Tellers' List.

No. 3.

Motion made and Question put,—That there be granted to Her Majesty, as a Supplementary Charge for the year 1858, a sum not exceeding £900, for the purchase of six Punts (*for the Steam Dredge*) at £150 each. (*Mr. R. Campbell.*)

Committee divided.

Ayes, 14.

Mr. Cowper,
Mr. R. Campbell,
Mr. Robertson,
Mr. Weekes,
Mr. Gordon,
Mr. Piddington,
Mr. Forster,
Mr. Richardson,
Mr. Jones,
Mr. Dickson,
Mr. J. Campbell,
Mr. Marks,
Mr. Rotton, } Tellers.
Mr. Denichy, }

Noes, 8.

Mr. W. Macleay,
Mr. Egan,
*Mr. Tooth,
Mr. Wild,
Mr. Smith,
Mr. Williamson,
Mr. Donaldson, } Tellers.
Mr. Plunkett, }

* So in Tellers' List.

No. 4.

No. 4.

Motion made and Question put, That there be granted to Her Majesty, as a Supplementary Charge for the year 1858, a sum not exceeding £150, to meet the expenses of an inquiry about to be made by Robert Meston, Esq., having reference to the prevalent disease amongst sheep and cattle, in certain portions of the Colony, generally known as the Cumberland Disease. (*Mr. R. Campbell.*)

Committee divided.

And the Tellers reporting the numbers as follows:—

Ayes, 13.	Noes, 6.
Mr. Cowper,	Mr. Smith,
Mr. R. Campbell,	Mr. W. Macleay,
Mr. Robertson,	Mr. Egan,
Mr. J. Campbell,	Mr. Gordon,
Mr. Dickson,	Mr. Plunkett,
Mr. Weekes,	Mr. Donaldson,
Mr. Richardson,	} Tellers.
Mr. Piddington,	
Mr. Forster,	
Mr. Jones,	
Mr. Marks,	
Mr. Rotton,	
Mr. Deniehy,	

And it appearing by the said Report that there was not a Quorum of Members present;—

The Chairman left the Chair, to report the same to the House.

* * * * *

Committee resumed.

Question again put, and Carried.

THURSDAY, 18 NOVEMBER, 1858.

No. 5.

MORETON BAY ADMINISTRATION OF JUSTICE ACT AMENDMENT BILL.

Clause 1 (*as amended.*) From and after the passing of this Act the fifth section of the Act twentieth Victoria number twenty-five shall be and the same is hereby repealed—*Read.*

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

Committee divided.

Ayes, 11.	Noes, 9.
Mr. Cowper,	Mr. Plunkett,
Mr. Robertson,	Mr. Smith,
Mr. R. Campbell,	Mr. Wild,
Mr. Rotton,	Mr. Richardson,
Mr. Forster,	Mr. W. Macleay,
Mr. W. B. Tooth,	Mr. Hodgson,
Mr. J. Campbell,	Mr. Jenkins,
Mr. Flood,	Mr. Faucett,
Sir Daniel Cooper,	Mr. R. Tooth,
Mr. Egan,	} Tellers.
Mr. Deniehy,	

No. 6.

And a Question arising (with reference to the last division) as to whether it was in order whilst the Doors were locked for a Division in the Committee, that the Chairman should direct one of the Doors to be opened for the admission of a Member he had sent for, upon ascertaining, not from Tellers appointed, but in some unofficial way, that there would not be a Quorum present in the Committee without such Member,—

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again so soon as the said Question of Order shall have been determined in the House. (*Mr. Hodgson.*)

Committee divided.

Ayes, 9.	Noes, 12.
Mr. Smith,	Mr. Cowper,
Mr. Plunkett,	Mr. R. Campbell,
Sir Daniel Cooper,	Mr. Robertson,
Mr. Flood,	Mr. Egan,
Mr. Wild,	Mr. Rotton,
Mr. Hodgson,	Mr. Richardson,
Mr. R. Tooth,	Mr. Forster,
Mr. W. Macleay,	Mr. W. B. Tooth,
Mr. Faucett,	Mr. J. Campbell,
} Tellers.	Mr. Gordon,
	Mr. Jenkins,
	Mr. Deniehy,

Bill reported—after amendment of Preamble.

No. 7.

No. 7.

RAILWAY AND OTHER PUBLIC WORKS LOAN BILL OF 1858.

Clause 1 (*as amended*). It shall be lawful for the Governor with the advice of the Executive Council to raise by the sale of Debentures secured upon the Consolidated Revenue Fund of the Colony and bearing interest at a rate not exceeding five per centum per annum such several sums of money not exceeding in the whole the sum of seven hundred and fifty-eight thousand five hundred pounds as may be required for the following several purposes nor exceeding for the same respectively the following several sums that is to say—Towards the extension of existing lines of Railway the sum of seven hundred and twelve thousand pounds—For Railway Trial Surveys the sum of eight thousand pounds—For erecting an Electric Telegraph from Sydney to Bathurst the sum of ten thousand five hundred pounds—For erecting an Electric Telegraph from Sydney to Newcastle the sum of thirteen thousand pounds—Towards constructing a Bridge over the River Murray at Albury the sum of ten thousand pounds—For erecting an additional Powder Magazine at Goat Island the sum of three thousand pounds—and For constructing a Dam at West Maitland the sum of two thousand pounds—*And all sums borrowed under this Act shall be paid to the Colonial Treasurer and shall be by him placed to the credit of the Consolidated Revenue Fund and shall be applied towards the respective purposes for which the same shall have been so raised and shall be accounted for in the same manner as if they had formed part of the current Annual Revenue of the Colony.*

Question proposed,—That the Clause be further amended by the omission of all the words in *Italic*, with a view to the insertion in their place of other words. (*Mr. R. Campbell.*)

Afterwards proposed, that leave be granted to withdraw the proposed further amendment. (*Mr. R. Campbell.*)

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

Committee divided.

And the Tellers reporting the numbers as follows;—

Ayes, 7.

Noes, 8.

Mr. Plunkett,
Mr. Faucett,
Mr. W. Macleay,
Mr. Smith,
Mr. Forster,
Mr. Wild, } Tellers.
Mr. Egan, }

Mr. Cowper,
Mr. Robertson,
Mr. R. Campbell,
Mr. Piddington,
Mr. Jenkins,
Mr. J. Campbell,
Mr. Rotton, } Tellers.
Mr. Flood, }

And it appearing by the said report that there was not a Quorum of Members present;—

The Chairman left the Chair to report the same to the House.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 1.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
Mar. 30 ..	Certain Magistrates, Licensees of Crown Lands, Miners of the Hanging Rock and Peel River Gold Fields, and other Residents of Tamworth, Liverpool Plains, and Gwydir	(653) Six hundred and fifty-three	Mr. Jenkins	{ Praying that Tamworth may be constituted an Assize Town.
.. 30 ..	Francis O'Meara, of Bathurst-street, Sydney	(1) One	Mr. Dalley	{ Representing that for his services as Conductor of Police in this Colony he had been promised the Grant of an Allotment of Land in the Township of Parramatta, which he has never been able to obtain possession of, and praying the House to take the matter into favorable consideration.
.. 30 ..	Certain Bonded Storekeepers in Sydney	(15) Fifteen	Mr. Gordon	{ Praying the Repeal of the Bonded Warehouses Act of 1857.
.. 31 ..	Certain Members of the United Church of England and Ireland, in the District of Burwood and Enfield	(79) Seventy-nine	Mr. Smith	{ Praying that any Grant for Educational Purposes may be distributed to the Denominational and National Boards in proportion to the number of Children attending the Schools respectively under their control.

Legislative Assembly Offices,
Sydney, 31 March 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 2.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
April 7 ..	Certain Members of the United Church of England and Ireland, in the parish of St. John, Glebe	(61) Sixty-one	Mr. J. Campbell	{ Praying that the Sum annually voted for Primary Education be divided between the National and Denominational Boards, in proportion to the number of Children under instruction in their respective Schools.
" 7 ..	Certain Inhabitants of Gundagai, and the adjoining Districts	(86) Eighty-six	Mr. W. Macleay	{ Praying the establishment of a Court of Assize, or a District Court having Civil and Criminal Jurisdiction, at Gundagai.
" 7 ..	T. G. Rusden, Esquire.....	(1) One	Mr. Forster	{ Complaining of the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and M'Leay, and praying the House to take the matter into consideration.
" 7 ..	Certain Inhabitants of the Town and District of Windsor	(190) One hundred and ninety	Mr. Smith	{ Praying the Extension of a Branch Line of Railway to the District of Windsor.
" 7 ..	Certain Inhabitants of Dunmore, in the District of Maitland.....	(36) Thirty-six	Mr. Arnold	{ Praying that no change may be made in distributing State Grants for Educational purposes, until a general system be established.
" 7 ..	Certain Inhabitants of the Town and neighbourhood of Clarence Town.....	(67) Sixty-seven.....	Mr. Arnold	Ditto Ditto Ditto.
" 8 ..	Certain Inhabitants of the City of Sydney	(1,918) One thousand, nine hundred and eighteen.....	Mr. Thornton ..	{ Representing the prejudicial effects arising from the Slaughtering of Cattle in private establishments within the City and its Suburbs, and praying the completion for use of the Abbatoirs on Glebe Island.
" 9 ..	Certain Members of the United Church of England and Ireland, in the Gold District of Araluen	(10) Ten	Mr. J. Campbell	{ Praying that the present disproportionate appropriation of the Educational Grant may be at once rectified, by dividing it between the Denominational and National Boards, in proportion to the number of Children attending their respective Schools.

Legislative Assembly Offices,
Sydney, 9 April, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 3.

WEEKLY ABSTRACT OF PETITIONS RECEIVED BY THE LEGISLATIVE ASSEMBLY.

SESSION 1858.

Table with 5 columns: WHEN RECEIVED, FROM WHOM AND WHENCE PRESENTED, NUMBER OF SIGNATURES, BY WHOM PRESENTED, ABSTRACT OF PRAYER. Contains 5 rows of petition data.

Legislative Assembly Offices, Sydney, 16 April, 1858.

R. O'CONNOR, Clerk of Legislative Assembly.

1880

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1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 4.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
April 20 ..	Certain German Residents of Sydney and its environs	{ (177) One hundred and seventy-seven }	Mr. Thornton ..	{ Representing the absence of arrangements for the proper accommodation of Immigrants from Germany, and praying that all German Emigrant vessels coming to this Colony be placed under the Regulations which apply to British Emigrant vessels arriving here.
April 20 ..	Certain Commuted Pensioners...	(4) Four	Mr. Donaldson...	{ Praying to have extended to them the privileges enjoyed by the Commuted Pensioners under the Regulations of 1832.
April 22 ..	Certain Inhabitants of Orange..	{ (164) One hundred and sixty-four .. }	Mr. Cox	{ Praying that provision be made in the Electoral Bill to give direct and distinct representation to the Police District of Orange.
April 23 ..	John Downes Badham	(1) One	Mr. Murray	{ Praying the House, for certain causes stated, to join in an Address of both Houses to Her Majesty, praying the removal of their Honors the Judges, under the 39th section of the Constitution Act of 1853.
April 23 ..	G. F. Wise, on behalf of Public Meeting at Bathurst	{ (1) One	Mr. Rotton	{ Praying that the Western Gold Fields be created a distinct Electoral District; that the franchise be extended to all holders of a Miner's Right; and that some change be made in the Naturalization Clause, to prevent the extension of the franchise to the Chinese portion of the population.

Legislative Assembly Offices,
Sydney, 23 April, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 5.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
April 27 ..	Certain Electors of the City of Sydney	{(794) Seven hundred and ninety-four	Mr. Thornton ..	{ Complaining of certain provisions in the Electoral Bill of 1858, and praying the retention in any new Electoral Law of the qualification of occupation, of place of business, and receipt of salary, which exist under the present law.
April 28 ..	Certain Inhabitants of Hunter's Hill, in the North Riding of the County of Cumberland ..	{(224) Two hundred and twenty-four...}	Mr. Smith	{ Praying that the County may be divided into four Electoral Districts, each to return two Members, and that the Parramatta River and the Main Roads through the County be taken as the boundaries of the several districts.
April 28 ..	Certain Inhabitants of the District of Windsor (exclusive of Richmond)	{(406) Four hundred and six	Mr. Smith	{ Against so much of the Electoral Bill of 1858 as substitutes manhood suffrage, and as would admit of Chinamen becoming electors on naturalization, and praying that the Bill may be amended in these respects.
April 28 ..	Mr. E. McEncroe	(1) One	Mr. Thornton ..	{ Praying that no Electoral District may be allowed to return more than one Member, or that every elector shall vote for only one candidate at any election in any one Electoral District.
April 29 ..	His Worship the Mayor, on behalf of Public Meeting in Sydney	{(1) One	Mr. Cowper	{ Embodying certain Resolutions adopted at public meeting approving of the Electoral Bill of 1858, and praying the consideration thereof be no further postponed.
April 29 ..	Certain Inhabitants of the Town and District of Wollongong ..	{(450) Four hundred and fifty	Mr. Owen	{ Praying that the Electoral Bill of 1858 may be passed with all convenient dispatch.
April 29 ..	Certain Inhabitants of the Town and District of Wollongong ..	{(399) Three hundred and ninety-nine..}	Mr. Owen	{ Praying that provision be made in the Municipalities Bill empowering the Councillors to be elected under it to act <i>ex officio</i> as Justices of the Peace.
April 29 ..	Certain Inhabitants of the Town and District of Orange	{(98) Ninety-eight....}	Mr. Rotton	{ Embodying certain Resolutions for the amendment of the Electoral Bill, adopted at public meeting, and praying that the same may be taken into consideration.
April 30 ..	Northern Mail Guards	(5) Five	Mr. White	{ Representing the inadequacy of their pay, and praying relief.

Legislative Assembly Offices,
Sydney, 30 April, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

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1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 6.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. May 5 ..	Certain Inhabitants of the Town and District of Albury	(214) Two hundred and fourteen	Mr. G. Macleay	{ Praying the passing of a Bill for the establishment at Albury of a Court of Civil and Criminal Jurisdiction, and for the appointment of a Resident Judge.
.. 5 ..	Certain Inhabitants of the Town and District of Orange	(228) Two hundred and twenty-eight }	Mr. Suttor	{ Embodying certain opinions adverse to some of the provisions of the Electoral Bill of 1858, and praying that the same may be taken into consideration.
.. 5 ..	Chairman and Secretary of the Northumberland Liberal Political Association	(2) Two	Mr. Weekes ..	{ Praying that Morpeth and its neighbourhood, with the eastern part of the Police District of Maitland—East Maitland, and its neighbourhood, with the middle portion of the Police District—the Borough of West Maitland—and the Western Division of the Police District of Maitland, may each return one Member, and that some change in the proposed system of voting by ballot may be made.
.. 5 ..	Robert Vining Gale, late Teacher of the Presbyterian School, Pitt-street South	(1) One	Mr. Parkes	{ Complaining of his dismissal without sufficient cause, and praying redress.
.. 5 ..	George Underwood Alley, of Shoalhaven	(1) One	Mr. Parkes	{ Representing that a certain Petition, having reference to the Navigation of the Shoalhaven River, is being got up in the District, which will not be the legitimate expression of public opinion, and praying the House will not permit of the rights of Petitioner being so abused.
.. 5 ..	Certain Residents on the Manning River, County of Macquarie	(532) Five hundred and thirty-two ..	Mr. Williamson	{ Praying that the Police District of the Manning River, as now constituted, may return one Member, under the Electoral Bill of 1858.
.. 5 ..	Certain Electors of the District of Macquarie	(36) Thirty-six	Mr. Williamson	{ In approval of the Electoral Bill of 1858, and praying that it may pass into law.

2 WEEKLY ABSTRACT OF PETITIONS.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
May 5....	Chairman and Vice-Chairman of the Chamber of Commerce of Bristol, in England	(2) Two	Mr. Williamson	{ Praying that in any arrangements made for the better administration of the Colonial Funds appropriated to Immigration Purposes, the Port of Bristol may be included as one of the ports of departure for Emigrants.
" 6....	Certain Inhabitants of the Police District of Shoalhaven	{ (342) Three hundred and forty-two.... }	Mr. Aldcorn....	{ Praying that the House will take into consideration the Report of the Surveyor appointed to ascertain and report upon the facilities for deepening the Channel of the Shoalhaven River.
" 6....	Certain Miners and Tradesmen residing on the Araluen Gold Fields	{ (446) Four hundred and forty-six }	Mr. Aldcorn....	{ Praying that the Elective Franchise may be extended to the Gold Miners of New South Wales, and that Araluen may return one Member.
" 6....	Certain Inhabitants of Sydney and its neighbourhood	{ (1436) Fourteen hundred and thirty-six }	Mr. Thornton ..	{ Praying that, as regards the Electoral Districts to which two or more Representatives shall be assigned, one of the two following propositions may be brought into operation, viz.: That every Elector shall vote for only one Candidate, or that each Elector shall be at liberty to give the whole number of his votes to any one Candidate, or to distribute them among the Candidates as he shall think fit.
" 6....	Certain Inhabitants of Albury..	{ (235) Two hundred and thirty-five .. }	Mr. Hay	{ Praying the erection of a Bridge over the River Murray at the township of Albury.
" 7....	Certain Inhabitants of the City of London.....	{ (4) Four..... }	Mr. Donaldson..	{ Praying leave to introduce a Bill to authorise Petitioners to establish a direct independent line of Submarine Electric Telegraph between Great Britain and Her Majesty's Australasian Colonies.
" 7....	Certain Directors and Proprietors of the Australian Gas-light Company	{ (4) Four..... }	Mr. Dalley	{ Praying leave to introduce a Bill to enable the Australian Gas-light Company to extend their works to places beyond the boundaries and limits of the City of Sydney, and to increase their Capital Stock.
" 7....	Certain Directors and Proprietors of the Pyrmont Bridge Company	{ (4) Four..... }	Mr. Dalley	{ Praying leave to introduce a Bill to authorise additional work by the Pyrmont Bridge Company, and to amend their Act of Incorporation.

Legislative Assembly Offices,
Sydney, 7 May, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 7.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. May 11 ..	Warden and Fellows of St. Paul's College within the University of Sydney	(1) One	Mr. Smith	{ Representing that Petitioners have an interest in the continuance of the Affiliated Colleges' Endowment Act, and praying that none of its clauses may be repealed.
.. 11 ..	Certain Inhabitants of Morpeth, Hinton, Largs, and the Eastern portion of the Police District of Maitland	(692) Six hundred and ninety-two ..	Mr. Weekes ..	{ Praying that such division of the Police District of Maitland may be made by the Electoral Bill of 1858, as will give to Petitioners that influence in the Councils of the country to which, by their numbers and property, they conceive themselves entitled.
.. 11 ..	Certain Magistrates and other Residents in the Police District of Wagga Wagga	(185) One hundred and eighty-five ..	Mr. Hay	{ Praying the House to refuse its assent to the Electoral Bill of 1858.
.. 11 ..	H. S. Lewes, as Chairman of Public Meeting at Moama	(1) One	Mr. Hay	{ Praying that the provisions of the Electoral Bill of 1858 may be so modified as to give to every class of the community a practicable, just, and fair share of representation in the Legislature, in proportion to its contributions to the general welfare and prosperity of the Colony.
.. 12 ..	Certain Citizens of Sydney and Members of the Australian Celtic Association	(230) Three thousand two hundred and thirty	Mr. Thornton ..	{ Praying the appointment of a Committee to inquire into the conduct of the Immigration Agent, relative to his Report on Irish Female Immigration, and to consider what further steps ought to be taken to render the Immigration Department in Sydney more efficient in supplying female servants to the inhabitants of the interior.
.. 12 ..	Certain persons residing on the Hanging Rock and Peel River Gold Fields	(208) Two hundred and eight	Mr. Jenkins ..	{ Praying that in the Electoral Bill of 1858, the Elective Franchise may be extended to the Gold Miners of New South Wales.

WEEKLY ABSTRACT OF PETITIONS.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
May 13 ..	Certain Inhabitants of Deniliquin	(86) Eighty-six	Mr. G. Macleay	{ Praying that the Electoral Bill of 1858 may not pass into law, or that it may be so modified as to give the pastoral interests and people a fair and equitable share in Parliamentary Representation.
" 13 ..	Certain Professors, Graduates, and Under-Graduates of the University of Sydney	(30) Thirty	Mr. Parkes	{ Praying the House to pass the Bill now before it for the Amendment of the Affiliated Colleges' Partial Endowment Act.
" 13 ..	Certain Inhabitants of the Police District of Tenterfield	(47) Forty-seven	Mr. Taylor	{ Against the passing of the Electoral Bill of 1858.
" 13 ..	Certain Inhabitants of Binalong	{ (222) Two hundred and twenty-two .. }	Mr. Faucett	{ Urging certain objections against the Electoral Bill of 1858, and praying that they may receive due consideration.
" 13 ..	Certain Residents of Richmond and its vicinity	(100) One hundred ..	Mr. Smith	{ Praying that the Electoral Bill of 1858 may be amended in certain respects.
" 13 ..	Professors of the Faculty of Arts in the University of Sydney ..	(3) Three	Mr. Dalley	{ Praying the House forthwith to pass the Bill now before it for the Amendment of the Affiliated Colleges' Partial Endowment Act.
" 14 ..	Certain Landed Proprietors and Residents of the Shoalhaven District	(94) Ninety-four	Mr. Aldcorn	{ Praying that the Electoral Bill of 1858 may be passed, but that the Elective Franchise may not, under any circumstances, be extended to Chinamen.
" 14 ..	Certain Inhabitants of the Police District of Wagga Wagga	(272) Two hundred and seventy-two }	Mr. Hay	{ Praying the establishment of a District Court at the Township of Wagga Wagga.

Legislative Assembly Offices,
Sydney, 14 May, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 8.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. May 18 ..	James Pemell, as Chairman of Public Meeting at the Glebe..	(1) One	Mr. J. Campbell	{ Praying the House to pass the Electoral Bill of 1858 without any alteration of its main principles.
.. 18 ..	Minister and Office Bearers of the Presbyterians, at Balmain	(8) Eight	Mr. Parkes	{ Praying that the words "Systematic Religious Instruction" in the Preamble to the "Affiliated Colleges Partial Endowment Act" may be omitted in the new Preamble proposed to be substituted by the Bill now before the House.
.. 18 ..	Certain Inhabitants of Binalong	(54) Fifty-four	Mr. Paterson ..	{ Objecting to the Electoral Bill of 1858, on various grounds, and praying the House to refuse its assent to it unless Petitioners' objections be removed.
.. 18 ..	Thomas Barker, as Chairman of Presbyterian College Committee.....	(1) One	Mr. Cowper.....	{ Praying that the words "Systematic Religious Instruction" in the Preamble to the "Affiliated Colleges Partial Endowment Act" may not be repealed as proposed by the Bill now before the House.
.. 18 ..	Certain Members of various Religious Denominations, Sydney.	(94) Ninety-four	Mr. Parkes	{ Praying that the words "Systematic Religious Instruction" in the Preamble to the "Affiliated Colleges Partial Endowment Act" may be omitted, as proposed by the Bill now before the House.

Legislative Assembly Offices,
Sydney, 21 May, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 9.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
May 25 ..	Certain Butchers of Sydney and its environs	(73) Seventy-three ..	Mr. Thornton ..	{ Praying the completion of the Abattoirs on Glebe Island.
.. 25 ..	Certain Members of the Committee of the Maitland Branch of the Lord's Day Due Observance Society	(18) Eighteen	Mr. Dickson ..	{ Praying that the words in the Publicans' Licensing Bill of 1858, which will permit Public Houses to be kept open on the Sabbath Day, "between one and three o'clock in the afternoon, "and between eight and ten "o'clock in the evening," may be expunged from it.
.. 25 ..	John Smith, merchant, Sydney..	(1) One	Mr. Hodgson ..	{ Praying that a reasonable time may be allowed to elapse before the Chinese Immigration Bill shall come into operation, and to be heard at the Bar, by Counsel, against the last Clause of the Bill.
.. 25 ..	John Harris, South Creek, and James Fullerton, Minister of the Church of Scotland	(2) Two	Mr. Hodgson ..	{ In opposition to the Pymont Bridge Company's Bill.
.. 26 ..	Isaac Robinson, as Chairman of Public Meeting at Maitland ..	(1) One	Mr. Weekes....	{ Praying that a crossing-place may be constructed at the intersection of Abbott-street, West Maitland, by the Great Northern Railway, and a passenger platform at Abbott or High-street.
.. 27 ..	Certain Members of the Hunter River Vineyard Association ..	(6) Six	Mr. White	{ Praying that the sale of Wine by the makers may be permitted under the Publicans' Licensing Bill, in quantities as small as heretofore, of one and the same sort of wine at one time.
.. 28 ..	Certain Stockholders of the Wide Bay and Burnett Districts	(113) One hundred and thirteen	Mr. Robertson..	{ Praying that Bridges may be erected across the Burrumba and Gundi Creeks.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. May 28 ..	Messrs. Cattley and Crouch, on behalf of the Committee and Members of the Alliance for the Suppression of Intemperance.	(2) Two	Mr. Parkes	{ Praying the House not to consent to any measure which will enable Public Houses to be kept open on Sunday evenings.
.. 28 ..	Messrs. Merrill and Leavitt, merchants, Sydney	(2) Two	Mr. Williamson..	{ Praying the House will not pass the Chinese Immigration Bill, unless modified in such a way as to prevent the injury Petitioners would sustain were it brought into immediate operation.
.. 28 ..	Certain Residents in the Town and District of Scotch	(128) One hundred and twenty-eight.	Mr. Robertson..	{ Praying the House to pass the Electoral Bill, in its integrity, with as little delay as possible.
.. 28 ..	Mr. H. E. Campbell, on behalf of Public Meeting at Albury	(1) One	Mr. Deniehy ..	{ Praying that the Electoral Bill may pass without material alteration.

Legislative Assembly Offices,
Sydney, 28 May, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

Y 111 111 111 111 111 111 111 111

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 10.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
June 1 ..	Members of the Electors' Corresponding Committee of the Macleay River District	(9) Nine	Mr. Williamson.	{ Praying that the Electoral Bill may be allowed to pass into law with as little delay as possible.
" 1 ..	Certain Inhabitants of the Electoral District of West Camden.....	(315) Three hundred and fifteen	Mr. Macarthur..	{ Expressive of their disapproval of the proposed alteration in the franchise, and of the additional Members proposed to be given to the Metropolitan Districts, and praying the House to take the premises into consideration, in passing the Electoral Bill.
" 1 ..	Officers of the Illawarra Liberal Political Association.....	(2) Two	Mr. Owen.....	{ Urging certain grounds upon which Petitioners conceive the Electorate of Illawarra to be entitled to two Members instead of one, as proposed by the Electoral Bill, and praying the House to take the same into consideration.
" 1 ..	Certain Wholesale Wine and Spirit Merchants, Sydney ..	(34) Thirty-four	Mr. Gordon	{ Praying that no alteration may be made by the Publicans' Licensing Bill in the law as it now affects Wholesale Wine and Spirit Merchants.
" 1 ..	Certain Residents in the Macleay River District	(170) One hundred and seventy	Mr. Taylor	{ Praying that the Macleay Police District may be joined to the Armidale Police District, and allowed two Representatives under the Electoral Bill.
" 2 ..	T. G. Rusden, Esquire	(1) One	Mr. Dalley	{ Expressive of his confidence that the House will not entertain any proposition which might prejudicially affect his character or his interests, and praying to be heard at the Bar of the House, to supply certain information, and object to any such proposition.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. June 2	Certain Inhabitants of the Electoral District of West Camden	(198) One hundred and ninety-eight ..	Mr. Wild	Expressive of their objections to the alteration in the franchise, and to the preponderating influence proposed to be given by the Electoral Bill to the Metropolitan Districts, and praying the House to take the premises into consideration.
" 2	Certain Inhabitants of the District of Murrurundi	(56) Fifty-six	Mr. Robertson ..	Approving of the principles of the Electoral Bill generally, and praying that it may soon pass into law.
" 2	John Fyfe, as Chairman of Public Meeting at Pymont ..	(1) One	Mr. Parkes	Praying that the Electoral Bill may pass without any alteration in its main principles, and with all practicable speed.
" 2	John Thomas, as Chairman of Public Meeting at Newtown ..	(1) One	Mr. Parkes	Praying that the Electoral Bill may pass without any alteration in its main principles, and with all practicable speed.
" 2	Certain Inhabitants of Largs, and part of Dummore	(43) Forty-three	Mr. Cowper	Praying the House to pass the Electoral Bill in its integrity.
" 2	The Right Reverend the Bishop of Sydney	(1) One	Mr. Thornton ..	Praying leave to introduce a Bill to authorise the sale, mortgage, or exchange of the Parsonage in connection with the Parish of St. Philip, in Sydney, and the providing of another Parsonage, and for other purposes of the said Parish.
" 3	Certain Inhabitants of the Town and District of Yass ..	(110) One hundred and ten	Mr. Murray ..	Praying the establishment of a District Court in the Town of Yass.
" 3	Certain Residents in the District of Shoalhaven	(134) One hundred and thirty-four ..	Mr. Aldcorn ..	Praying that the House will consider the necessity for placing a sum of money on the Estimates for the purpose of repairing the road from Shoalhaven to Braidwood.
" 3	E. J. H. Knapp, Sydney, Surveyor	(1) One	Mr. White	Representing that Petitioner emigrated to this Colony in the year 1826, upon the express assurance given to him at the Colonial Office, that His Excellency Governor Darling was authorised to issue to him the then usual grant of land;—that owing to certain causes, in the Petition mentioned, he has not yet received such grant of land, and praying the House to take the premises into consideration, and afford Petitioner such relief as the circumstances of the case may seem to warrant.
" 3	Certain Inhabitants of Richmond and its vicinity	(83) Eighty-eight ..	Mr. Dalley	Praying the House will proceed to take the Electoral Bill into consideration without any unnecessary delay, so as to effect the reform so urgently required in the law.
" 3	John Bingle, as Chairman of Newcastle Chamber of Commerce	(1) One	Dr. Bowker	Praying the re-introduction of the Bill of last Session, for further postponing the collection of the Hunter River Tonnage Duty.
" 3	J. N. Beit, as Chairman of Public Meeting at Balmain ..	(1) One	Mr. Williamson ..	Praying the House to pass the Electoral Bill without any alteration in its main principles, and with all practicable speed.
" 4	Thomas Holt, on behalf of self and others in Public Meeting assembled in Sydney	(1) One	Mr. Cowper	Praying that the 45th Clause of the Publicans' Licensing Bill be so modified, as that Public Houses shall not be allowed to open, on week-days or on Sunday, for a greater number of hours than at present allowed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. June 4	Certain Members of the Young Men's Christian Society, Sydney	(35) Thirty-five	Mr. Cowper	{ Praying that the 45th Clause of the Publicans' Licensing Bill be so modified as to prevent the sale of spirituous liquors on the Sabbath, and especially between the hours of eight and ten on the evening of that day.
" 4	Certain Members of the Congregation of the Waverley Methodist Chapel	(54) Fifty-four	Mr. Parkes	{ Objecting to that part of the 45th Clause of the Publicans' Licensing Bill which would permit of Public Houses being open from 8 to 10 o'clock on the Sunday evening, and praying such modification thereof as to the House shall seem meet.
" 4	Certain Members of the Congregation of the Surry Hills Wesleyan Methodist Chapel	(167) One hundred and sixty-seven	Mr. Hodgson	{ Praying that such alteration may be made in the Publicans' Licensing Bill as will altogether prevent the sale of spirituous liquors on the Sabbath day.
" 4	J. S. Willis, as Chairman of the Sydney Chamber of Commerce	(1) One	Mr. Smith	{ Urging certain objections against the Publicans' Licensing Bill, and praying that it may not be passed.
" 4	Certain Merchants and Traders of Sydney	(146) One hundred and forty-six	Mr. Smith	{ Praying that the Publicans' Licensing Bill may not be passed.

Legislative Assembly Offices,
Sydney, 4 June, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 11.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. June 8 ..	J. Bingle, as Chairman of Newcastle Chamber of Commerce	(1) One	Dr. Bowker	{ Praying that the Publicans' Licensing Bill may not pass.
" 8 ..	Certain Residents of the Glebe and its vicinity	(36) Thirty-six	Mr. Owen	{ Praying that Clauses may be introduced into the Pymont Bridge Co.'s Bill for the preservation of the Navigation of Black Wattle Creek.
" 8 ..	J. T. Smith, Glebe	(1) One	Mr. Owen	Do. Do. Do.
" 8 ..	Wholesale Wine and Spirit Dealers in Goulburn	(10) Ten	Mr. Murray	{ Praying that those Clauses of the Publicans' Licensing Bill which go to increase the fee hitherto exacted from Wholesale Wine and Spirit Merchants, and the minimum quantity they have hitherto been permitted to sell, may not pass into law.
" 8 ..	Certain Members of the Committee of the Society for promoting the Observance of the Lord's Day	(21) Twenty-one	Mr. Cowper	{ Praying the House to withhold its sanction from any Clause in the Publicans' Licensing Bill which would enable Public Houses to be kept open on the Sabbath Evening.
" 9 ..	Certain Citizens of Sydney, in Public Meeting assembled ..	(537) Five hundred and thirty-seven ..	Mr. Cowper	{ Praying that the Electoral Bill may be passed with as great expedition as may be convenient.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
June 9 ..	Certain Inhabitants of Raymond Terrace	(47) Forty-seven	Mr. Williamson..	{ Expressive of their concurrence in the provisions of the Electoral Bill, and praying that, with certain modifications, it may pass into Law with as little delay as possible.
.. 9 ..	Minister and Officers of the Presbyterian Church, Pitt-street	(7) Seven	Mr. Alcorn ..	{ Urging certain objections against the provisions of the Publicans' Licensing Bill which relate to the sale of Spirituous and Fermented Liquors on the Sabbath, and praying the House to protect the publicans, and the community generally, in the enjoyment of the privileges of the Sabbath.
.. 9 ..	Minister and Congregation of the Scot's Church, Sydney.. }	(104) One hundred and four	Mr. Parkes	{ Praying that the House will, if possible, altogether prevent the opening of Public Houses on the Christian Sabbath, or if that cannot be, that they may not be permitted to be open between the hours of eight and ten in the evening of that day.
.. 11 ..	Minister and Congregation of the Princes-street Methodist Chapel	(97) Ninety-seven ..	Mr. Marks	{ Praying the House to reject the 45th Clause of the Publicans' Licensing Bill, and prohibit the opening of Public Houses at any time during the Sabbath.
.. 11 ..	Certain Inhabitants of Maitland, Singleton, Wollombi, &c. }	(127) One hundred and twenty-seven }	Mr. Piddington..	{ Representing the great injury and inconvenience resulting from the destruction of the Bridge over Cockfighter's Creek, and praying relief.
.. 11 ..	Sabbath School Teachers in connexion with the Wesleyan Church, York-street, Sydney }	(29.) Twenty-nine ..	Mr. Smith	{ Praying such modification of the 45th Clause of the Publicans' Licensing Bill, as shall prohibit the opening of Public Houses at any time during the Sunday.
.. 11 ..	Certain Inhabitants of Richmond and its vicinity	(43.) Forty-three	Mr. Smith	{ Praying such modification in the 45th Clause of the Publicans' Licensing Bill, as shall provide that Public Houses shall not be open more hours than at present, either during a week day or on a Sunday.
.. 11 ..	Minister and Congregation of the York-street Methodist Chapel	(223.) Two hundred and twenty-three }	Mr. Smith	{ Expressive of their opinion that it is at variance with the sacred character of the Sabbath that Public Houses should be kept open on that day, and praying the House to bear this in mind whilst dealing with the Publicans' Licensing Bill.

Legislative Assembly Offices,
Sydney, 11 June, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 12.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. June 15 ..	J. B. Smithers, as Chairman of Public Meeting at Paddington	(1) One	Mr. Dalley	{ Praying that the Electoral Bill may be passed without alteration of its main principles, and with all practicable speed.
.. 16 ..	Minister and Members of the Methodist Congregation at Newtown	(49) Forty-nine	Mr. Flood	{ Praying that the 45th Clause of the Publicans' Licensing Bill be so modified as to prevent Public Houses from being open a greater number of hours than at present on weekdays or Sundays.
.. 17 ..	Certain Inhabitants of the District of Shoalhaven	(150) One hundred and fifty	Mr. Aldcorn ..	{ Praying the establishment of a Ferry at Bumaderry Point, Shoalhaven River.
.. 17 ..	T. G. Rusden, Esquire	(1) One	Mr. Dalley	{ In reference to the proceedings on his Petitions against the election and return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and Macleay, praying that justice be done—that the Constitution Act be not disregarded—that the Electoral Act be carried out in its true spirit, according to the 61st section, without regard to legal forms and solemnities.
.. 18 ..	Congregation of the Wesleyan Methodist Chapel, East Maitland	(96) Ninety-six	Mr. Weekes....	{ Praying that the words "and between eight and ten o'clock in the evening," in the 45th Clause of the Publicans' Licensing Bill, may not receive the consent of the House.
.. 18 ..	Certain Inhabitants of the District of New England ...	(215) Two hundred and fifteen	Mr. Moriarty ..	{ Expressive of their opinions in regard to the Assessment on Stock, suggesting that any Assessment Bill which may be brought in this Session may have a retrospective effect.
.. 18 ..	Certain Inhabitants of the District of the Hunter	(242) Two hundred and forty-two	Mr. Weekes....	{ Representing that the Railway Commissioners, in extending the line of Railway from East to West Maitland, have dammed up the natural outlet of the waters of Wallis's Creek, and in lieu thereof have made a new cut which is not to the level of the natural outlet, to the great injury of Petitioners, in flooding and preventing the drainage of their lands, and praying relief.

R. O'CONNOR,
Clerk of Legislative Assembly.

Legislative Assembly Offices,
Sydney, 18 June, 1858.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 13.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. June, 22..	Certain Inhabitants of the Town and District of Yass..	(68) Sixty-eight	Mr. Murray	{ Approving of the main principles of the Electoral Bill, and praying that it may soon pass into Law.
.. 22 ..	Certain Inhabitants of the Town and District of Goulburn	(64) Sixty-four	Mr. Murray	{ Praying that the present Law regulating the sale of Liquors by Storekeepers may be allowed to remain unaltered.
.. 22 ..	Isaac Shepherd	(1) One	Mr. Murray	{ Urging certain objections against the Impounding Bill, and praying especially that neither the 34th nor any other Clause in violation of private rights, may be allowed to pass without at the same time providing compensation for such violation.
.. 22 ..	Certain Citizens of the City of Sydney	(2469) Two thousand four hundred and sixty-nine	Mr. Parkes	{ In favor of the imposition of a Tax of Ten pounds upon every Chinaman introduced into this Colony, as the most direct means of checking Chinese Immigration.
.. 22 ..	Certain Members of the Free Presbyterian Church, Shoalhaven	(122) One hundred and twenty-two..	Mr. Aldcorn ..	{ In opposition to the Clause in the Publicans' Licensing Bill which increases the number of hours Public Houses may be open on the Sabbath Day.
.. 22 ..	D. Waugh, as Chairman of Kiama Steam Navigation Company	(1) One	Mr. Deniehy ..	{ Praying leave to introduce a Bill to amend the Act Incorporating the Kiama Steam Navigation Company.
.. 25 ..	G. H. Stanley, B.A., as Chairman of Public Meeting of Unitarians	(1) One	Mr. Williamson.	{ Praying that the Publicans' Licensing Bill may not be allowed to pass into Law.
.. 25 ..	J. D. Lang, D.D.	(1) One	Mr. Gordon	{ Representing certain circumstances in relation to meetings recently held for the purpose of founding a Presbyterian College in affiliation with the University of Sydney, and praying inquiry into the same.

Legislative Assembly Offices,
Sydney, 25 June, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 14.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
June 29..	Certain Graziers of the Districts of New England and Macleay	(365) Three hundred and sixty-five .. .	Mr. Taylor	Representing that they have heard with alarm that it is proposed to levy an Assessment of £7 10s. for 1,000 Sheep or 160 head of Cattle depastured in the Squatting Districts, in addition to the License Fee, and praying that the Sheep and Cattle depastured in their Districts may be assessed at such smaller sum as to the House shall seem meet.
„ 29 ..	Certain Inhabitants of the Northumberland Boroughs }	(121) One hundred and twenty-one.. }	Mr. Weekes ..	Praying that the Northumberland Boroughs may remain one Electorate under the Electoral Bill.
„ 29 ..	Lieutenant Seaver, R. N.	(1) One	Mr. Donaldson	Complaining of his removal from the offices of Shipping Master and Assistant Harbour Master at Newcastle.
„ 30 ..	W. S. Willmott, as Chairman of Public Meeting of Miners at Merco Gold Fields	(1) One	Mr. Parkes	Praying the adoption of measures for the suppression of Chinese Immigration.
„ 30 ..	Certain Inhabitants of the Electoral District of Parramatta	(345) Three hundred and forty-five	Mr. Smith	Praying that the present Electoral District of Parramatta may be divided into two separate Electorates, with power to each to return its own Member under the Electoral Bill.
July 2....	Certain Solicitors, Attorneys, and Proctors, practising in the Supreme Court, New South Wales	(52) Fifty-two	Mr Owen.....	Praying that provision be made for the appointment of a Fourth Judge, whose duty it should be, if necessary, solely to attend to matters coming within the Equitable Jurisdiction of the Supreme Court.
„ 2....	Robert Francis Pockley	(1) One	Mr. Donaldson	Complaining of his removal from the offices of Superintendent of Light, Pilot, and Navigation Board, and Harbour Master of New South Wales.

Legislative Assembly Offices,
Sydney, 2 July, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 15.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
July 14 ..	New South Wales Alliance for the suppression of Intemperance.....	(16) Sixteen	Mr. Parkes	{ Praying that a clause may be introduced into the Publicans' Licensing Bill for the prevention of the sale of intoxicating drinks on the Sunday.
.. 15 ..	J. Murphy, as Chairman of Public Meeting, Sydney .. }	(1) One	Mr. Cowper	{ Praying the extension of Railways throughout the Colony.
.. 15 ..	R. Mason, Dungog.....	(1) One	Mr. Arnold	{ Praying the repeal of the 4th section of the existing Publicans' Licensing Act.
.. 15 ..	J. R. Houlding, as Chairman of Public Meeting, Sydney. }	(1) One	Mr. Cowper	{ Praying the introduction of a clause into the Publicans' Licensing Bill to prevent the opening of public houses on the Sunday.

Legislative Assembly Offices,
Sydney, 16 July, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 16.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. July 20 ..	John Giblett	(1) One	Mr. Thornton ..	{ Representing that he had destroyed 1,242 sheep, under the Scab in Sheep Act; but that, in consequence of the omission of notice of the day on which he intended to commence the destruction of such sheep, no compensation had been allowed him, and praying relief.
.. 20 ..	E. B. Uhr, Esq., J. P.	(1) One	Mr. W. B. Tooth	{ Complaining of having been insulted on the Bench by A. E. Halloran, Esq., Commissioner of Crown Lands for the District of Wide Bay and Burnett, and praying redress.
.. 23 ..	J. Williams, Esq., Mayor of Sydney	(1) One	Mr. Thornton ..	{ Praying that no Railway, Tramway, or extension of the same, may be made within the limits of the City of Sydney, unless under the authority of a special enactment by the Parliament for that purpose only.

*Legislative Assembly Offices,
Sydney, 23 July, 1858.*

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 17.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. July 27 ..	Certain Inhabitants of Singleton and its vicinity	(132) One hundred and thirty-two.....	Mr. White	{ Praying relief from their present state of uncertainty as to the direction intended to be given to the line of Railway in contemplation towards Singleton.
.. 27 ..	J. Williams, Esq., Mayor of Sydney, on behalf of Municipal Council	(1) One	Mr. Thornton ..	{ Praying that no Railway, Tramway, or extension of the same, may be made within the limits of the City of Sydney, unless under the authority of a special enactment of the Parliament for that purpose only.
.. 30 ..	Certain Members of the Church of England, Albury.....	(25) Twenty-five	Mr. G. Macleay	{ Representing that they have recently subscribed a sum towards the erection of a Church in the Town of Albury, and praying aid.

Legislative Assembly Offices,
Sydney, 30 July, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 18.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. Aug. 10 ..	Certain Miners, and others, resident on the Rocky River Gold Fields.	(413) Four hundred and thirteen	Mr. Parkes	{ Praying the House to put a stop, as soon as practicable, to all Chinese Immigration, and, in the meantime, to grant to Petitioners such adequate police force as will obviate the necessity for their arming themselves in support of law and order.
.. 10 ..	Certain Miners, and others, resident on the Rocky River Gold Fields	(159) One hundred and fifty-nine	Mr. Moriarty ..	{ Praying that the Gold Fields may not be erected into separate Electorates, but that the Miners may be permitted to vote in the several Electorates in which they reside.
.. 12 ..	Certain Colonists	(36) Thirty-six	Mr. Hay	{ Praying that the Scab in Sheep Prevention Bill may pass without delay.

Legislative Assembly Offices,
Sydney, 13 August, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 19.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. Aug. 18 ..	James Pegg, of Sydney.....	(1) One	Mr. Parkes	{ Representing various disappointments he has met with in prosecuting a claim to a Grant of Land, as a discharged soldier, and praying relief.
.. 20 ..	William W. Darke, Assistant Surveyor	(1) One	Mr. Denichy ..	{ Representing that promotion has been withheld from him after the fulfilment, on his part, of the conditions upon which it had been promised to him, and praying redress.
.. 20 ..	Certain Inhabitants of Bathurst and Kelso .....	.....	Mr. Rotton	{ Praying to be allowed two Members for the representation of the United Boroughs of Bathurst and Kelso.

Legislative Assembly Offices,
Sydney, 20 August, 1858.

R O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 20.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. Aug. 24 ..	Messrs. Biss and Maltby, late Railway Carriers	(2) Two	Mr. G. Macleay	{ Complaining of the loss of their business, and praying compen- sation.
.. 24 ..	Certain Residents of Ipswich } and its vicinity	(493) Four hundred } and ninety-three.. }	Mr. Parkes	{ Praying that provision be made to prohibit the impounding of cattle from Crown Lands in the Settled Districts, and that lessees of Crown Lands may be alto- gether prohibited from confining cattle in their yards without the consent of their owners.
.. 25 ..	William Sims Bell, Liverpool } Plains	(1) One	Mr. G. Macleay	{ Urging, as heir-at-law to his father, the late Mr. Archibald Bell, a claim to forty and a-half rods of the land in Macquarie-street, on which the present Parliament buildings are erected, and pray- ing the House to adopt such measures as shall be equitable and just towards Petitioner.
.. 27 ..	Certain Inhabitants of Parra- } matta south..... }	.....	Mr. Forster	{ Praying that the site of the Rail- way Terminus at Parramatta may not be changed.
.. 27 ..	Mr. H. Sanderson, late Assis- } tant Surveyor	(1) One	Mr. Forster	{ Complaining of his dismissal from the public service, and praying that his case may be referred to the Select Committee now sitting on the Management of the Sur- vey Department.

Legislative Assembly Offices,
Sydney, 27 August, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 21.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. Aug. 31 ..	Certain Mariners at present residing in Sydney.....	(189) One hundred and eighty-nine..	Mr. Williamson.	{ Representing that by means of Charitable Subscriptions a new Mariners' Church has been erected, but that a sum of £1,400 yet remains to be provided on account of the Building, and praying the House to consider the premises, and afford Petitioners such consideration therein as may appear just and reasonable.

Legislative Assembly Offices,
Sydney, 3 September, 1858.

R O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 22.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
Sept. 9 ..	Certain Lessees of Land at Honeysuckle Point, Newcastle	(16) Sixteen	Dr. Bowker	Representing that in consequence of a dispute as to the validity of their leases, they have hitherto been unable to obtain compensation for lands taken from them at Honeysuckle Point, Newcastle, for Railway purposes, and praying relief.

Legislative Assembly Offices,
Sydney, 10 September, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 23.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
Sept. 16 ..	Mr. Percy Simpson	(1) One	Mr. Byrnes	Enumerating his various employments in the Public Service, and praying that his services may be taken into favorable consideration, in accordance with the spirit of the Act of Parliament, 4th and 5th Wm. IV. and Treasury Minute, dated 21 June, 1831.

Legislative Assembly Offices,
Sydney, 17 September, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 24.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. Sept. 30 ..	Mr. C. W. Bucknell, Mungyer, Gwydir District	(1) One	Mr. Forster	{ Complaining of having, with his brother, been subjected to the disgrace, and put to the expense of a Criminal Prosecution, on a charge of Cattle Stealing, which was unsustainable by the Crown, and praying inquiry and redress.
Sept. 30 ..	Revd. J. D. Lang, D.D.....	(1) One	Mr. Richardson	{ Praying the appointment of a Select Committee to inquire into, and report upon, certain proceedings of the Synod of Australia, in 1842, with reference to Petitioner.
Sept. 30 ..	Certain Inhabitants of East and West Maitland	(58) Fifty-eight	Mr. Dickson ..	{ Praying that the hours for driving Cattle through the Towns of East and West Maitland may be extended.
Sept. 30 ..	T. G. Rusden, Esquire	(1) One	Mr. Arnold	{ Praying that the House will reconsider its decision in regard to former Petitions against the Election and Return of Abram Orpen Moriarty, Esquire, and afford Petitioner such remedy in the matter of said Petitions as the justice of the case may require.

Legislative Assembly Offices,
Sydney, 1 October, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 25.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
Oct. 7	Certain Ministers of the Synod of Australia }	(4) Four	Mr. Plunkett	{ Praying the House to refuse to grant the Prayer of the Rev. Dr. Lang's Petition for inquiry by a Select Committee into the proceedings of the Synod of Australia, in 1842, with respect to Dr. Lang.
Oct. 7	Rev. Dr. Fullerton	(1) One	Mr. Donaldson	Similar Prayer.
Oct. 7	Mr. Frederic Gardiner, Dar- ling Downs' District }	(1) One	Mr. Piddington	{ Praying that provision be made for the re-assessment of Squat- tages of inferior capabilities.

Legislative Assembly Offices,
Sydney, 8 October, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 23.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. Oct. 19 ..	Certain Elders and Members } of the Scots Church, Sydney }	(11) Eleven	Mr. Robertson..	{ Praying that the House will grant the Committee of Inquiry into the proceedings of the Synod of Australia, with reference to the Rev. Dr. Lang, in the year 1842, prayed for by the Petition of the Rev. Dr. Lang, presented to the House on the 30th September last.

Legislative Assembly Offices,
Sydney, 22 October, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 27.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHEN PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
Oct. 26 ..	Certain Inhabitants of the } Macdonald River	(31) Thirty-one.....	Mr. Piddington..	{ Praying the establishment of Postal Communication twice a-week between Sydney and Macdonald River.
Oct. 29 ...	Certain Colonists	{ (101) Onehundred and } one	Mr. Hay	{ Praying the establishment, at Deniliquin, of a Court of Civil and Criminal Jurisdiction.

Legislative Assembly Offices,
Sydney, 29 October, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 28.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858. Nov. 2....	Certain Colonists	(1,100) Eleven hundred	Mr. Cowper....	{ Praying the further extension of the Southern and Western Railways.
Nov. 4....	Certain Merchants, Traders, and Masters of vessels trading to the Port of Newcastle	(79) Seventy-nine.....	Mr. Hodgson ..	{ Complaining of the removal of the Flag Staff, and praying its restoration to its former position.

Legislative Assembly Offices,
Sydney, 5 November, 1858.

R. O'CONNOR,
Clerk of Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

No. 29.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1858.				
Nov. 24 ..	Certain Inhabitants of Parramatta, in public meeting assembled	(1) One	Mr. Smith	{ Praying the establishment of fixed Railway Fares in accordance with a reduced scale in the Petition set out.
Nov. 25 ..	Certain Inhabitants of the District of Macdonald River.}	(61) Sixty-one	Mr. Piddington..	{ Praying the appointment of a Coroner for the District of Macdonald River.

R. O'CONNOR,

Clerk of Legislative Assembly.

Legislative Assembly Offices,
Sydney, 26 November, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

PETITIONS.

GENERAL SUMMARY of the Weekly Abstracts of PETITIONS received by the Legislative Assembly, during the Session of 1858.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1858.					
	1. Abattoirs.				
August 8..	Certain Inhabitants of the City of Sydney	{ (1,918) One thousand nine hundred and eighteen }	Mr. Thornton	{ Representing the prejudicial effects arising from the Slaughtering of Cattle in private establishments within the City and its Suburbs, and praying the completion for use of the Abattoirs on Glebe Island	} Printed.
May 25 ..	Certain Butchers of Sydney and its environs	{ (73) Seventy-three	Mr. Thornton	{ Praying the completion of the Abattoirs on Glebe Island	} Printed.
	2. Assessment.				
June 18 ..	Certain Inhabitants of the District of New England..	{ (215) Two hundred and fifteen	Mr. Moriarty	{ Expressive of their opinions in regard to the Assessment on Stock, suggesting that any Assessment Bill which may be brought in this Session may have a retrospective effect	} Printed.
June 29 ..	Certain Graziers of the Districts of New England and Macleay	{ (365) Three hundred and sixty-five ..	Mr. Taylor	{ Representing that they have heard with alarm that it is proposed to levy an Assessment of £7 10s. for 1,000 Sheep or 160 head of Cattle depastured in the Squatting Districts, in addition to the License Fee, and praying that the Sheep and Cattle depastured in their Districts may be assessed at such smaller sum as to the House shall seem meet	} Printed.
October 7 ..	Mr. Frederic Gardiner, Darling Downs' District	{ (1) One	Mr. Piddington	{ Praying that provision be made for the re-assessment of Squattages of inferior capabilities	} Printed.
	3. Assize Courts.				
Mar. 30 ..	Certain Magistrates, Licensees of Crown Lands, Miners of the Hanging Rock and Peel River Gold Fields, and other Residents of Tamworth, Liverpool Plains and Gwydir	{ (553) Six hundred and fifty-three ..	Mr. Jenkins	{ Praying that Tamworth may be constituted an Assize Town	} Printed.
April 7 ..	Certain Inhabitants of Gundagai, and the adjoining Districts	{ (86) Eighty-six ..	Mr. W. Macleay	{ Praying the establishment of a Court of Assize, or a District Court having Civil and Criminal Jurisdiction, at Gundagai	} Printed.
	4. Bonded Stores.				
Mar. 30 ..	Certain Bonded Storekeepers in Sydney	{ (15) Fifteen ..	Mr. Gordon	{ Praying the Repeal of the Bonded Warehouses Act of 1857	} Printed.
	5. Compensation.				
Mar. 30 ..	Francis O'Meara, of Bathurst-street, Sydney	{ (1) One	Mr. Dalley	{ Representing that for his services as Conductor of Police in this Colony he had been promised the Grant of an Allotment of Land in the Township of Parramatta, which he has never been able to obtain possession of, and praying the House to take the matter into favorable consideration	} Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1858.	5. Compensation— <i>Continued.</i>				
April 16 ..	John Murray Bate	(1) One	Mr. Murray	{ Representing that he is compelled to retire from the public service, in consequence of ill health, brought about by the long hours of attendance he was called upon to give to his duties, with an allowance awarded to him of only one month's pay for every year of his service, and praying redress.	} Printed.
April 30 ..	Northern Mail Guards	(5) Five	Mr. White	{ Representing the inadequacy of their pay, and praying relief.	
May 5	Robert Vining Gale, late Teacher of the Presbyterian School, Pitt-street South ..	(1) One	Mr. Parkes	{ Complaining of his dismissal without sufficient cause, and praying redress	} Printed.
June 3	E. J. H. Knapp, Sydney, Surveyor	(1) One	Mr. White	{ Representing that Petitioner emigrated to this Colony in the year 1826, upon the express assurance given to him at the Colonial Office, that His Excellency Governor Darling was authorised to issue to him the then usual grant of land;—that owing to certain causes, in the Petition mentioned, he has not yet received such grant of land, and praying the House to take the premises into consideration, and afford Petitioner such relief as the circumstances of the case may seem to warrant	} Printed.
July 20 ..	John Giblett	(1) One	Mr. Thornton	{ Representing that he had destroyed 1,242 sheep, under the Seal in Sheep Act; but that, in consequence of the omission of notice of the day on which he intended to commence the destruction of such sheep, no compensation had been allowed him, and praying relief	} Printed.
August 18	James Pegg, of Sydney.	(1) One	Mr. Parkes	{ Representing various disappointments he has met with in prosecuting a claim to a Grant of Land, as a discharged soldier, and praying relief.	} Printed.
August 20	William W. Darke, Assistant Surveyor	(1) One	Mr. Denichy	{ Representing that promotion has been withheld from him after the fulfilment, on his part, of the conditions upon which it had been promised to him, and praying redress.	} Printed.
August 24	Messrs. Biss and Maltby, late Railway Carriers	(2) Two	Mr. G. Macleay	{ Complaining of the loss of their business, and praying compensation.	} Printed.
August 25	William Sims Bell, Liverpool Plains	(1) One	Mr. G. Macleay	{ Urging, as heir-at-law to his father, the late Mr. Archibald Bell, a claim to forty and a-half rods of the land in Macquarie-street on which the present Parliament buildings are erected, and praying the House to adopt such measures as shall be equitable and just towards Petitioner.	} Printed.
August 27	Mr. H. Sanderson, late Assistant Surveyor	(1) One	Mr. Forster	{ Complaining of his dismissal from the public service, and praying that his case may be referred to the Select Committee now sitting on the Management of the Survey Department.	} Printed.
Sept. 16 ..	Mr. Percy Simpson	(1) One	Mr. Byrnes	{ Enumerating his various employments in the Public Service, and praying that his services may be taken into favorable consideration, in accordance with the spirit of the Act of Parliament 4th and 5th Wm. IV., and Treasury Minute dated 21 June, 1831.	} Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1858.	6. District Courts.				
May 5	Certain Inhabitants of the Town and District of Albury	{ (214) Two hundred and fourteen .. }	Mr. G. Macleay	{ Praying the passing of a Bill for the establishment at Albury of a Court of Civil and Criminal Jurisdiction, and for the appointment of a Resident Judge. }	} Printed.
May 14	Certain Inhabitants of the Police District of Wagga Wagga	{ (272) Two hundred and seventy-two }	Mr. Hay	{ Praying the establishment of a District Court at the Township of Wagga Wagga. }	} Printed.
June 3	Certain Inhabitants of the Town and District of Yass	{ (110) One hundred and ten }	Mr. Murway	{ Praying the establishment of a District Court in the Town of Yass. }	} Printed.
Oct. 29	Certain Colonists	{ (101) One hundred and one }	Mr. Hay	{ Praying the establishment, at Deniliquin, of a Court of Civil and Criminal Jurisdiction. }	} Printed.
	7. Education.				
March 31	Certain Members of the United Church of England and Ireland in the District of Burwood and Enfield	{ (79) Seventy-nine }	Mr. Smith	{ Praying that any Grant for Educational purposes may be distributed to the Denominational and National Boards in proportion to the number of Children attending the Schools respectively under their control. }	
April 7	Certain Members of the United Church of England and Ireland in the parish of St. John, Glebe	{ (61) Sixty-one. }	Mr. J. Campbell	{ Praying that the sum annually voted for Primary Education be divided between the National and Denominational Boards, in proportion to the number of Children under instruction in their respective Schools. }	} Printed.
April 7	Certain Inhabitants of Dunmore, in the District of Maitland	{ (36) Thirty-six }	Mr. Arnold	{ Praying that no change may be made in distributing State Grants for Educational purposes, until a general system be established. }	} Printed.
April 7	Certain Inhabitants of the Town and neighbourhood of Clarence Town	{ (67) Sixty-seven. }	Mr. Arnold	Ditto Ditto Ditto.	} Printed.
April 9	Certain Members of the United Church of England and Ireland, in the Gold District of Araluen	{ (10) Ten }	Mr. J. Campbell	{ Praying that the present disproportionate appropriation of the Educational Grant may be at once rectified, by dividing it between the Denominational and National Boards, in proportion to the number of Children attending their respective Schools. }	} Printed.
April 13	National Education Board	{ (4) Four }	Mr. Macarthur	{ Praying the reinstatement of Mr. Plunkett in the office of Chairman of the National School Board. }	} Printed.
	8. Electoral Law.				
April 13	Certain Inhabitants of the District of Berrima	{ (362) Three hundred and sixty-two .. }	Mr. Forster	{ Praying that Berrima may be erected into a separate Electoral District. }	} Printed.
April 22	Certain Inhabitants of Orange.	{ (164) One hundred and sixty-four .. }	Mr. Cox	{ Praying that provision be made in the Electoral Bill to give direct and distinct representation to the Police District of Orange. }	} Printed.
April 23	G. F. Wise, on behalf of Public Meeting at Bathurst	{ (1) One }	Mr. Rotton	{ Praying that the Western Gold Fields be created a distinct Electoral District; that the franchise be extended to all holders of a Miner's Right; and that some change be made in the Naturalization Clause, to prevent the extension of the franchise to the Chinese portion of the population. }	} Printed.
April 27	Certain Electors of the City of Sydney	{ (794) Seven hundred and ninety-four. }	Mr. Thornton	{ Complaining of certain provisions in the Electoral Bill of 1858, and praying the retention in any new Electoral Law of the qualification of occupation, of place of business, and receipt of salary, which exist under the present law. }	} Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1858. April 28 ..	8. Electoral Law— <i>Continued.</i> Certain Inhabitants of Hunter's Hill, in the North Riding of the County of Cumberland...	{ (224) Two hundred and twenty-four }	Mr. Smith	{ Praying that the County may be divided into four Electoral Districts, each to return two Members, and that the Parramatta River and the Main Roads through the County be taken as the boundaries of the several districts.	} Printed.
April 28 ..	Certain Inhabitants of the District of Windsor (exclusive of Richmond)	{ (406) Four hundred and six }	Mr. Smith	{ Against so much of the Electoral Bill of 1858 as substitutes manhood suffrage, and as would admit of Chinamen becoming electors on naturalization, and praying that the Bill may be amended in these respects.	} Printed.
April 28 ..	Mr. E. McEncroe	(1) One	Mr. Thornton	{ Praying that no Electoral District may be allowed to return more than one Member, or that every elector shall vote for only one candidate at any election in any one Electoral District.	} Printed.
April 29 ..	His Worship the Mayor, on behalf of Public Meeting in Sydney	{ (1) One }	Mr. Cowper	{ Embodying certain Resolutions adopted at public meeting approving of the Electoral Bill of 1858, and praying the consideration thereof be no further postponed.	} Printed.
April 29 ..	Certain Inhabitants of the Town and District of Wollongong	{ (450) Four hundred and fifty }	Mr. Owen	{ Praying that the Electoral Bill of 1858 may be passed with all convenient dispatch.	} Printed.
April 29 ..	Certain Inhabitants of the Town and District of Orange.	{ (98) Ninety-eight }	Mr. Rotton	{ Embodying certain Resolutions for the amendment of the Electoral Bill, adopted at public meeting, and praying that the same may be taken into consideration.	} Printed.
May 5....	Certain Inhabitants of the Town and District of Orange	{ (228) Two hundred and twenty-eight }	Mr. Suttor	{ Embodying certain opinions adverse to some of the provisions of the Electoral Bill of 1858, and praying that the same may be taken into consideration.	} Printed.
May 5....	Chairman and Secretary of the Northumberland Liberal Political Association	{ (2) Two }	Mr. Weekes	{ Praying that Morpeth and its neighbourhood, with the eastern part of the Police District of Maitland—East Maitland, and its neighbourhood, with the middle portion of the Police District—the Borough of West Maitland—and the Western Division of the Police District of Maitland, may each return one Member, and that some change in the proposed system of voting by ballot may be made.	} Printed.
May 5....	Certain Residents on the Manning River, County of Macquarie	{ (532) Five hundred and thirty-two }	Mr. Williamson	{ Praying that the Police District of the Manning River, as now constituted, may return one Member, under the Electoral Bill of 1858.	} Printed.
May 5....	Certain Electors of the District of Macquarie	{ (36) Thirty-six }	Mr. Williamson	{ In approval of the Electoral Bill of 1858, and praying that it may pass into law.	} Printed.
May 6....	Certain Miners and Tradesmen residing on the Araluen Gold Fields	{ (446) Four hundred and forty-six }	Mr. Aldcorn	{ Praying that the Elective Franchise may be extended to the Gold Miners of New South Wales, and that Araluen may return one Member.	
May 6....	Certain Inhabitants of Sydney and its Neighbourhood	{ (1436) Fourteen hundred and thirty-six }	Mr. Thornton	{ Praying that, as regards the Electoral Districts to which two or more Representatives shall be assigned, one of the two following propositions may be brought into operation, viz.: That every Elector shall vote for only one Candidate, or that each Elector shall be at liberty to give the whole number of his votes to any one Candidate, or to distribute them among the Candidates as he shall think fit.	} Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1858.	8. Electoral Law— <i>continued.</i>				
May 11 ..	Certain Inhabitants of Morpeth, Hinton, Largs, and the Eastern portion of the Police District of Maitland ..	(692) Six hundred and ninety-two	Mr. Weekes	{ Praying that such division of the Police District of Maitland may be made by the Electoral Bill of 1858, as will give to Petitioners that influence in the Councils of the country to which, by their numbers and property, they conceive themselves entitled	} Printed.
May 11 ..	Certain Magistrates and other Residents in the Police District of Wagga Wagga	(185) One hundred and eighty-five	Mr. Hay	{ Praying the House to refuse its assent to the Electoral Bill of 1858.	} Printed.
May 11 ..	H. S. Lewes, as Chairman of Public Meeting at Moama ..	(1) One	Mr. Hay	{ Praying that the provisions of the Electoral Bill of 1858 may be so modified as to give to every class of the community a practicable, just, and fair share of representation in the Legislature, in proportion to its contributions to the general welfare and prosperity of the Colony. ...	} Printed.
May 12 ..	Certain persons residing on the Hanging Rock and Peel River Gold Fields	(208) Two hundred and eight	Mr. Jenkins	{ Praying that in the Electoral Bill of 1858 the Elective Franchise may be extended to the Gold Miners of New South Wales. ...	} Printed.
May 13 ..	Certain Inhabitants of Deniliquin	(86) Eighty-six	Mr. G. Macleay	{ Praying that the Electoral Bill of 1858 may not pass into law, or that it may be so modified as to give the pastoral interests and people a fair and equitable share in Parliamentary Representation.	} Printed.
May 13 ..	Certain Professors, Graduates, and Under-Graduates of the University of Sydney	(30) Thirty ..	Mr. Parkes	{ Praying the House to pass the Bill now before it for the Amendment of the Affiliated Colleges' Partial Endowment Act,	
May 13 ..	Certain Inhabitants of the Police District of Tenterfield ..	(47) Forty-seven	Mr. Taylor	{ Against the passing of the Electoral Bill of 1858.	} Printed.
May 13 ..	Certain Inhabitants of Binalong ..	(222) Two hundred and twenty-two	Mr. Faucett	{ Urging certain objections against the Electoral Bill of 1858, and praying that they may receive due consideration.	} Printed.
May 13 ..	Certain Residents of Richmond and its vicinity	(100) One hundred ..	Mr. Smith	{ Praying that the Electoral Bill of 1858 may be amended in certain respects.	} Printed.
May 14 ..	Certain Landed Proprietors and Residents of the Shoalhaven District	(94) Ninety-four	Mr. Aldcorn	{ Praying that the Electoral Bill of 1858 may be passed, but that the Elective Franchise may not, under any circumstances, be extended to Chinamen.	
May 18 ..	Certain Inhabitants of Binalong	(54) Fifty-four.	Mr. Paterson	{ Objecting to the Electoral Bill of 1858, on various grounds, and praying the House to refuse its assent to it, unless Petitioners' objections be removed	} Printed.
May 18 ..	James Pemell, as Chairman of Public Meeting at the Glebe	(1) One	Mr. J. Campbell	{ Praying the House to pass the Electoral Bill of 1858 without any alteration of its main principles.	} Printed.
May 28 ..	Certain Residents in the Town and District of Scone	(128) One hundred and twenty-eight	Mr. Robertson	{ Praying the House to pass the Electoral Bill, in its integrity, with as little delay as possible.	} Printed.
May 28 ..	Mr. H. E. Campbell, on behalf of Public Meeting at Albury	(1) One	Mr. Deniehy	{ Praying that the Electoral Bill may pass without material alteration	} Printed.
June 1.	Members of the Electors' Corresponding Committee of the Macleay River District	(9) Nine	Mr. Williamson	{ Praying that the Electoral Bill may be allowed to pass into law with as little delay as possible...	} Printed.
June 1.	Certain Inhabitants of the Electoral District of West Camden	(315) Three hundred and fifteen	Mr. Macarthur	{ Expressive of their disapproval of the proposed alteration in the franchise, and of the additional Members proposed to be given to the Metropolitan Districts, and praying the House to take the premises into consideration in passing the Electoral Bill ..	} Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1858.	8. Electoral Law— continued.				
June 1....	Officers of the Illawarra Liberal Political Association ..	{ (2) Two	Mr. Owen	{ Urging certain grounds upon which Petitioners conceive the Electorate of Illawarra to be entitled to two Members instead of one, as proposed by the Electoral Bill, and praying the House to take the same into consideration	} Printed.
June 1....	Certain Residents in the Macleay River District....	{ (170) One hundred and seventy..... }	Mr. Taylor	{ Praying that the Macleay Police District may be joined to the Armidale Police District, and allowed two Representatives under the Electoral Bill	} Printed.
June 2....	Certain Inhabitants of the Electoral District of West Camden	{ (198) One hundred and ninety-eight }	Mr. Wild	{ Expressive of their objections to the alteration in the franchise, and to the preponderating influence proposed to be given by the Electoral Bill to the Metropolitan Districts, and praying the House to take the premises into consideration	} Printed.
June 2....	Certain Inhabitants of the District of Murrurundi	{ (56) Fifty-six..... }	Mr. Robertson.....	{ Approving of the principles of the Electoral Bill generally, and praying that it may soon pass into law	} Printed.
June 2....	John Fyfe, as Chairman of Public Meeting at Pymont }	{ (1) One	Mr. Parkes	{ Praying that the Electoral Bill may pass without any alteration in its main principles, and with all practicable speed	} Printed.
June 2....	John Thomas, as Chairman of Public Meeting at Newtown }	{ (1) One	Mr. Parkes	{ Praying that the Electoral Bill may pass without any alteration in its main principles, and with all practicable speed	} Printed.
June 2....	Certain Inhabitants of Largs, and part of Dunmore..... }	{ (43) Forty-three..... }	Mr. Cowper	{ Praying the House to pass the Electoral Bill in its integrity ..	} Printed.
June 3....	Certain Inhabitants of Richmond and its vicinity	{ (88) Eighty-eight	Mr. Dalley	{ Praying the House will proceed to take the Electoral Bill into consideration without any unnecessary delay, so as to effect the reform so urgently required in the law	} Printed.
June 3....	J. N. Beit, as Chairman of Public Meeting at Balmain }	{ (1) One	Mr. Williamson	{ Praying the House to pass the Electoral Bill without any alteration in its main principles, and with all practicable speed	} Printed.
June 9....	Certain Citizens of Sydney, in Public Meeting assembled }	{ (537) Five hundred and thirty-seven }	Mr. Cowper	{ Praying that the Electoral Bill may be passed with as great expedition as may be convenient.	} Printed.
June 9....	Certain Inhabitants of Raymond Terrace	{ (47) Forty-seven..... }	Mr. Williamson	{ Expressive of their concurrence in the provisions of the Electoral Bill, and praying that, with certain modifications, it may pass into law with as little delay as possible	} Printed.
June 15 ..	J. B. Smithers, as Chairman of Public Meeting at Paddington..... }	{ (1) One	Mr. Dalley	{ Praying that the Electoral Bill may be passed without alteration of its main principles, and with all practicable speed	} Printed.
June 22 ..	Certain Inhabitants of the Town and District of Yass ..	{ (68) Sixty-eight	Mr. Murray	{ Approving of the main principles of the Electoral Bill, and praying that it may soon pass into Law.	} Printed.
June 29 ..	Certain Inhabitants of the Northumberland Boroughs.. }	{ (121) One hundred and twenty-one }	Mr. Weekes	{ Praying that the Northumberland Boroughs may remain one Electorate under the Electoral Bill.	} Printed.
June 30 ..	Certain Inhabitants of the Electoral District of Parramatta	{ (345) Three hundred and forty-five .. }	Mr. Smith	{ Praying that the present Electoral District of Parramatta may be divided into two separate Electorates, with power to each to return its own Member under the Electoral Bill.	} Printed.
August 10	Certain Miners, and others, resident on the Rocky River Gold Fields	{ (159) One hundred and fifty-nine .. }	Mr. Moriarty	{ Praying that the Gold Fields may not be erected into separate Electorates, but that the Miners may be permitted to vote in the several Electorates in which they reside.	} Printed.

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1858.					
August 20	Certain Inhabitants of Bathurst and Kelso	(658) Six hundred and fifty-eight..	Mr. Rotton	{ Praying to be allowed two Members for the representation of the United Boroughs of Bathurst and Kelso. }	} Printed.
9. Electric Telegraph.					
August 7 ..	Certain Inhabitants of the City of London	(4) Four	Mr. Donaldson	{ Praying leave to introduce a Bill to authorise petitioners to establish a direct independent line of Submarine Electric Telegraph between Great Britain and Her Majesty's Australasian Colonies. }	} Printed.
10. Grievances.					
April 7 ..	T. G. Rusden, Esquire	(1) One	Mr. Forster	{ Complaining of the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and M'Leay, and praying the House to take the matter into consideration. }	} Printed.
April 13 ..	Certain Chinamen who took their passages on board the "Ethereal" from Sydney to Hong Kong	(4) Four	Mr. Dalley	{ Praying the resumption of the consideration of the grievance of which they complained in the last session, in regard to the seizure of their Gold Dust for non-payment of the Export Duty. }	
April 16 ..	Certain Chinamen who took their passages on board the "Mary Nicholson" from Sydney to Hong Kong	(2) Two	Mr. Dalley	{ Praying the resumption of the consideration of the grievance of which they complained in the last session, in regard to the seizure of their Gold Dust for non-payment of the Export Duty. }	
April 20 ..	Certain Commuted Pensioners.	(4) Four	Mr. Donaldson	{ Praying to have extended to them the privileges enjoyed by the Commuted Pensioners under the Regulations of 1832. }	} Printed.
April 23 ..	John Downes Badham	(1) One	Mr. Murray	{ Praying the House, for certain causes stated, to join in an Address of both Houses to Her Majesty, praying the removal of their Honors the Judges, under the 39th section of the Constitution Act of 1853	
June 2 ..	T. G. Rusden, Esquire	(1) One	Mr. Dalley	{ Expressive of his confidence that the House will not entertain any proposition which might prejudicially affect his character or his interests, and praying to be heard at the Bar of the House, to supply certain information and object to any such proposition	
June 17 ..	T. G. Rusden, Esquire	(1) One	Mr. Dalley	{ In reference to the proceedings on his Petitions against the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and Macleay, praying that justice be done—that the Constitution Act be not disregarded—that the Electoral Act be carried out in its true spirit, according to the 61st section, without regard to legal forms and solemnities }	} Printed.
June 25 ..	J. D. Lang, D. D.	(1) One	Mr. Gordon	{ Representing certain circumstances in relation to meetings recently held for the purpose of founding a Presbyterian College in affiliation with the University of Sydney, and praying inquiry into the same	} Printed.
June 29 ..	Lieutenant Seaver, R. N.	(1) One	Mr. Donaldson	{ Complaining of his removal from the offices of Shipping Master and Assistant Harbour Master at Newcastle	} Printed.
July 2	Robert Francis Pockley	(1) One	Mr. Donaldson	{ Complaining of his removal from the offices of Superintendent of Light, Pilot, and Navigation Board, and Harbour Master of New South Wales	} Printed.

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	10. Grievances— <i>Continued.</i>				
July 20 ..	E. B. Uhr, Esquire, J. P.	(1) One	Mr. W. B. Tooth.....	{ Complaining of having been insulted on the Bench by A. E. Halloran, Esq., Commissioner of Crown Lands for the District of Wide Bay and Burnett, and praying redress	} Printed.
Sept. 30 ..	Mr. C. W. Bucknell, Mungyer, Gwydir District	{ (1) One	Mr. Forster	{ Complaining of having, with his brother, been subjected to the disgrace, and put to the expense of a Criminal Prosecution, on a charge of Cattle Stealing, which was unsustainable by the Crown, and praying inquiry and redress	} Printed.
Sept. 30 ..	T. G. Rusden, Esquire	(1) One	Mr. Arnold	{ Praying that the House will reconsider its decision in regard to former Petitions against the Election and Return of Abram Orpen Moriarty, Esquire, and afford Petitioner such remedy in the matter of said Petitions as the justice of the case may require	} Printed.
	11. Immigration.				
April 20 ..	Certain German Residents of Sydney and its Environs ..	{ (177) One hundred and seventy-seven	Mr. Thornton	{ Representing the absence of arrangements for the proper accommodation of Immigrants from Germany, and praying that all German Emigrant vessels coming to this Colony be placed under the Regulations which apply to British Emigrant vessels arriving here	} Printed.
May 5	Chairman and Vice-Chairman of the Chamber of Commerce of Bristol in England	{ (2) Two	Mr. Williamson	{ Praying that in any arrangements made for the better administration of the Colonial Funds appropriated to Immigration purposes, the Port of Bristol may be included as one of the Ports of departure for Emigrants	} Printed.
May 12 ..	Certain Citizens of Sydney and Members of the Australian Celtic Association.	{ (3230) Three thousand two hundred and thirty	Mr. Thornton	{ Praying the appointment of a Committee to inquire into the conduct of the Immigration Agent, relative to his Report on Irish Female Immigration, and to consider what further steps ought to be taken to render the Immigration Department in Sydney more efficient in supplying female servants to the inhabitants of the interior.	} Printed.
May 25 ..	John Smith, merchant, Sydney	(1) One	Mr. Hodgson	{ Praying that a reasonable time may be allowed to elapse before the Chinese Immigration Bill shall come into operation, and to be heard at the Bar, by Counsel, against the last Clause of the Bill	} Printed.
May 28 ..	Messrs. Merrill and Leavitt, merchants, Sydney	(2) Two	Mr. Williamson	{ Praying the House will not pass the Chinese Immigration Bill, unless modified in such a way as to prevent the injury Petitioners would sustain were it brought into immediate operation	} Printed.
June 22 ..	Certain Citizens of the City Sydney	{ (2469) Two thousand four hundred and sixty-nine ..	Mr. Parkes	{ In favor of the imposition of a Tax of Ten pounds upon every Chinaman introduced into this Colony, as the most direct means of checking Chinese Immigration.	} Printed.
June 30 ..	W. S. Willmott, as Chairman of Public Meeting of Miners at Mercoo Gold Fields	(1) One	Mr. Parkes	{ Praying the adoption of measures for the suppression of Chinese Immigration	} Printed.
Aug. 10 ..	Certain Miners and others, resident on the Rocky River Gold Fields	{ (413) Four hundred and thirteen	Mr. Parkes	{ Praying the House to put a stop, as soon as practicable, to all Chinese Immigration, and, in the meantime, to grant to Petitioners such adequate police force as will obviate the necessity for their arming themselves in support of law and order	} Printed.

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1858.					
	12. Impounding Bill.				
June 22 ..	Isaac Shepherd	(1) One	Mr. Murray	{ Urging certain objections against the Impounding Bill, and praying especially that neither the 34th nor any other Clause in violation of private rights, may be allowed to pass without at the same time providing compensation for such violation.... }	} Printed.
Aug. 24 ..	Certain Residents of Ipswich and its vicinity	{ (493) Four hundred and ninety three }	Mr. Parkes	{ Praying that provision be made to prohibit the impounding of cattle from Crown Lands in the Settled Districts, and that lessees of Crown Lands may be altogether prohibited from confining cattle in their yards without the consent of their owners. }	} Printed.
	13. Miscellaneous.				
April 29 ..	Certain Inhabitants of the Town and District of Wollongong	{ (399) Three hundred and ninety-nine.. }	Mr. Owen	{ Praying that provision be made in the Municipalities Bill empowering the Councillors to be elected under it to act <i>ex officio</i> as Justices of the Peace	} Printed.
June 3 ..	John Bingle, as Chairman of Newcastle Chamber of Commerce	(1) One	Dr. Bowker	{ Praying the re-introduction of the Bill of last Session for further postponing the collection of the Hunter River Tonnage Duty. .. }	} Printed.
July 2....	Certain Solicitors, Attorneys and Proctors, practising in the Supreme Court, New South Wales	{ (52) Fifty-two.. }	Mr. Owen	{ Praying that provision be made for the appointment of a Fourth Judge, whose duty it should be, if necessary, solely to attend to matters coming within the Equitable Jurisdiction of the Supreme Court	} Printed.
July 30 ..	Certain Members of the Church of England, Albury }	{ (25) Twenty-five	Mr. G. Macleay ...	{ Representing that they have recently subscribed a sum towards the erection of a Church in the Town of Albury, and praying aid..... }	} Printed.
Aug. 12 ..	Certain Colonists	(36) Thirty-six..	Mr. Hay	{ Praying that the Scab in Sheep Prevention Bill may pass without delay. }	} Printed.
Aug. 31 ..	Certain Mariners at present residing in Sydney	{ (189) One hundred and eighty-nine	Mr. Williamson ...	{ Representing that by means of Charitable Subscriptions a new Mariners' Church has been erected, but that a sum of £1,400 yet remains to be provided on account of the Building, and praying the House to consider the premises, and afford Petitioners such consideration therein as may appear just and reasonable. }	} Printed.
Sept. 30 ..	Certain Inhabitants of East and West Maitland	{ (58) Fifty-eight.. }	Mr. Dickson	{ Praying that the hours for driving Cattle through the Towns of East and West Maitland may be extended. }	} Printed.
Oct. 26 ..	Certain Inhabitants of the Macdonald River	{ (31) Thirty-one.. }	Mr. Piddington ...	{ Praying the establishment of Postal Communication twice a-week between Sydney and Macdonald River. }	} Printed.
Nov. 4 ..	Certain Merchants, Traders, and Masters, of vessels trading to the Port of Newcastle	{ (79) Seventy-nine }	Mr. Hodgson	{ Complaining of the removal of the Flag Staff, and praying its restoration to its former position. }	} Printed.
Nov. 25 ..	Certain Inhabitants of the District of Macdonald River }	{ (61) Sixty-one .. }	Mr. Piddington ...	{ Praying the appointment of a Coroner for the District of Macdonald River. }	
	14. Publicans' Licensing Bill.				
May 25 ..	Certain Members of the Committee of the Maitland Branch of the Lord's Day Due Observance Society.. }	{ (18) Eighteen .. }	Mr. Dickson	{ Praying that the words in the Publicans' Licensing Bill of 1858, which will permit Public Houses to be kept open on the Sabbath Day, "between one and three o'clock in the afternoon, "and between eight and ten "o'clock in the evening," may be expunged from it. }	

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1858.	14. Publicans' Licensing Bill—continued.				
May 27 ..	Certain Members of the Hunter River Vineyard Association	(6) Six	Mr. White	{ Praying that the sale of Wine by the makers may be permitted under the Publicans' Licensing Bill, in quantities as small as heretofore, of one and the same sort of wine at one time. }	} Printed.
May 28 ..	Messrs. Cattley and Crouch, on behalf of the Committee and Members of the Alliance for the Suppression of Intemperance	(2) Two	Mr. Parkes	{ Praying the House not to consent to any measure which will enable Public Houses to be kept open on Sunday evenings	} Printed.
June 1 ..	Certain Wholesale Wine and Spirit Merchants, Sydney..	(34) Thirty-four..	Mr. Gordon	{ Praying that no alteration may be made by the Publicans' Licensing Bill in the law as it now affects Wholesale Wine and Spirit Merchants..... }	} Printed.
June 4....	Certain Members of the Young Men's Christian Society, Sydney	(35) Thirty-five	Mr. Cowper	{ Praying that the 45th Clause of the Publicans' Licensing Bill be so modified as to prevent the sale of spirituous liquors on the Sabbath, and especially between the hours of eight and ten on the evening of that day	} Printed.
June 4....	Certain Inhabitants of the City of Sydney	(1) One.....	Mr. Cowper	{ Praying that the 45th Clause of the Publicans' Licensing Bill be so modified as that Public Houses shall not be allowed to open on week days, or on Sundays, for a greater number of hours than at present	} Printed.
June 4....	Certain Members of the Congregation of the Waverley Methodist Chapel	(54) Fifty-four..	Mr. Parkes	{ Objecting to that part of the 45th Clause of the Publicans' Licensing Bill which would permit of Public Houses being open from 8 to 10 o'clock on the Sunday evening, and praying such modification thereof as to the House shall seem meet }	} Printed.
June 4....	Certain Members of the Congregation of the Surry Hills Wesleyan Methodist Chapel	(167) One hundred and sixty-seven	Mr. Hodgson	{ Praying that such alteration may be made in the Publicans' Licensing Bill as will altogether prevent the sale of spirituous liquors on the Sabbath day.... }	} Printed.
June 4....	J. S. Willis, as Chairman of the Sydney Chamber of Commerce	(1) One.....	Mr. Smith	{ Urging certain objections against the Publicans' Licensing Bill, and praying that it may not be passed	} Printed.
June 4....	Certain Merchants and Traders of Sydney	(146) One hundred and forty-six	Mr. Smith	{ Praying that the Publicans' Licensing Bill may not be passed. }	} Printed.
June 8....	J. Bingle, as Chairman of Newcastle Chamber of Commerce	(1) One.....	Dr. Bowker	{ Praying that the Publicans' Licensing Bill may not pass. }	
June 8....	Wholesale Wine and Spirit Dealers in Goulburn }	(10) Ten	Mr. Murray	{ Praying that those Clauses of the Publicans' Licensing Bill which go to increase the fee hitherto exacted from Wholesale Wine and Spirit Merchants, and the minimum quantity they have hitherto been permitted to sell, may not pass into law	} Printed.
June 8....	Certain Members of the Committee of the Society for promoting the Observance of the Lord's Day	(21) Twenty-one	Mr. Cowper	{ Praying the House to withhold its sanction from any Clause in the Publicans' Licensing Bill which would enable Public Houses to be kept open on the Sabbath Evening. }	
June 9....	Minister and Officers of the Presbyterian Church, Pitt-street	(7) Seven.....	Mr. Aldcorn.....	{ Urging certain objections against the provisions of the Publicans' Licensing Bill which relate to the sale of Spirituous and Fermented Liquors on the Sabbath, and praying the house to protect the publicans, and the community generally, in the enjoyment of the privileges of the Sabbath..... }	} Printed.

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1858.	14. Publicans' Licensing Bill—continued.				
June 9...	Minister and Congregation of the Scots' Church, Sydney	(104) One hundred and four.	Mr. Parkes	{ Praying that the House will, if possible, altogether prevent the opening of Public Houses on the Christian Sabbath, or if that cannot be, that they may not be permitted to be open between the hours of eight and ten in the evening of that day	} Printed.
June 11 ..	Minister and Congregation of the Princes-street Methodist Chapel	(97) Ninety-seven.....	Mr. Marks	{ Praying the House to reject the 45th Clause of the Publicans' Licensing Bill, and prohibit the opening of Public Houses at any time during the Sabbath ..	} Printed.
June 11 ..	Sabbath School Teachers in connexion with the Wesleyan Church, York-street, Sydney	(29) Twenty-nine.....	Mr. Smith	{ Praying such modification of the 45th Clause of the Publicans' Licensing Bill as shall prohibit the opening of Public Houses at any time during the Sunday ..	} Printed.
June 11 ..	Certain Inhabitants of Richmond and its vicinity ..	(43) Forty-three	Mr. Smith	{ Praying such modification in the 45th Clause of the Publicans' Licensing Bill, as shall provide that Public Houses shall not be open more hours than at present, either during a week day or on a Sunday	} Printed.
June 11 ..	Minister and Congregation of the York-street Methodist Chapel	(223) Two hundred and twenty-three..	Mr. Smith	{ Expressive of their opinion that it is at variance with the sacred character of the Sabbath that Public Houses should be kept open on that day, and praying the House to bear this in mind whilst dealing with the Publicans' Licensing Bill	} Printed.
June 15 ..	Minister and Members of the Methodist Congregation at Newtown.....	(49) Forty-nine	Mr. Flood.....	{ Praying that the 45th Clause of the Publicans' Licensing Bill be so modified as to prevent Public Houses from being open a greater number of hours than at present on weekdays or Sundays..	} Printed.
June 17 ..	S. Callaghan	(1) One.....	Mr. Parkes	{ Expressive of his belief that the entire closing of Public Houses on the Lord's Day would be an inestimable boon to the community, and praying the House to take the premises into consideration	} Printed.
June 18 ..	Congregation of the Wesleyan Methodist Chapel, East Maitland.....	(96) Ninety-six	Mr. Weekes	{ Praying that the words "and "between eight and ten o'clock "in the evening," in the 46th Clause of the Publicans' Licensing Bill, may not receive the consent of the House.....	} Printed.
June 22 ..	Certain Inhabitants of the Town and District of Goulburn	(64) Sixty-four	Mr. Murray	{ Praying that the present Law regulating the sale of Liquors by Storekeepers may be allowed to remain unaltered.	
June 22 ..	Certain Members of the Free Presbyterian Church, Shoalhaven	(122) One hundred and twenty-two	Mr. Aldcorn.....	{ In opposition to the Clause in the Publicans' Licensing Bill which increases the number of hours Public Houses may be open on the Sabbath Day	} Printed.
June 25 ..	G. H. Stanley, B. A., as Chairman of Public Meeting of Unitarians.....	(1) One.....	Mr. Williamson....	{ Praying that the Publicans' Licensing Bill may not be allowed to pass into Law.	
July 14 ..	New South Wales Alliance for the suppression of Intemperance	(16) Sixteen ..	Mr. Parkes	{ Praying that a Clause may be introduced into the Publicans' Licensing Bill for the prevention of the sale of intoxicating drinks on the Sunday.....	} Printed.
July 15 ..	R. Mason, Dungog.....	(1) One.....	Mr. Arnold	{ Praying the repeal of the 4th section of the existing Publicans' Licensing Act.....	} Printed.
July 15 ..	J. R. Houlding, as Chairman of Public Meeting, Sydney	(1) One.....	Mr. Cowper	{ Praying the introduction of a Clause into the Publicans' Licensing Bill to prevent the opening of Public Houses on the Sunday	} Printed.

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1868.	15. Private Bills.				
May 7....	Certain Directors and Proprietors of the Australian Gas-light Company	(4) Four	Mr. Dalley	{ Praying leave to introduce a Bill to enable the Australian Gas-light Company to extend their works to places beyond the boundaries and limits of the City of Sydney, and to increase their Capital Stock.	
May 7....	Certain Directors and Proprietors of the Pymont Bridge Company	(4) Four	Mr. Dalley	{ Praying leave to introduce a Bill to authorise additional work by the Pymont Bridge Company, and to amend their Act of Incorporation.	
May 11 ..	Warden and Fellows of St. Paul's College within the University of Sydney	(1) One.....	Mr. Smith	{ Representing that Petitioners have an interest in the continuance of the Affiliated Colleges' Endowment Act, and praying that none of its clauses may be repealed	} Printed.
May 13 ..	Professors of the Faculty of Arts in the University of Sydney	(3) Three.....	Mr. Dalley	{ Praying the House forthwith to pass the Bill now before it for the Amendment of the Affiliated Colleges' Partial Endowment Act	} Printed.
May 13 ..	Certain Professors, Graduates, and Under-Graduates of the University of Sydney	(30) Thirty	Mr. Parkes	{ Praying the House to pass the Bill now before it for the Amendment of the Affiliated Colleges' Partial Endowment Act	} Printed.
May 18 ..	Minister and Office Bearers of the Presbyterians, at Balmain	(8) Eight.....	Mr. Parkes	{ Praying that the words "Systematic Religious Instruction" in the Preamble to the "Affiliated Colleges' Partial Endowment Act" may be omitted in the new Preamble proposed to be substituted by the Bill now before the House.	} Printed.
May 18 ..	Thomas Barker, as Chairman of Presbyterian College Committee.....	(1) One.....	Mr. Cowper.....	{ Praying that the words "Systematic Religious Instruction" in the Preamble to the "Affiliated Colleges' Partial Endowment Act" may not be repealed as proposed by the Bill now before the House	} Printed.
May 18 ..	Certain Members of various Religious Denominations, Sydney	(94) Ninety-four	Mr. Parkes	{ Praying that the words "Systematic Religious Instruction" in the Preamble to the "Affiliated Colleges' Partial Endowment Act" may be omitted, as proposed by the Bill now before the House.....	} Printed.
May 25 ..	John Harris, South Creek, and James Fullerton, Minister of the Church of Scotland..	(2) Two.....	Mr. Hodgson	{ In opposition to the Pymont Bridge Company's Bill.	
June 2 ..	The Right Reverend the Bishop of Sydney	(1) One	Mr. Thornton	{ Praying leave to introduce a Bill to authorise the sale, mortgage, or exchange of the Parsonage in connection with the Parish of St. Philip, in Sydney, and the providing of another Parsonage, and for other purposes of the said Parish.	
June 8 ..	Certain Residents of the Glebe and its vicinity	(36) Thirty-six	Mr. Owen.....	{ Praying that Clauses may be introduced into the Pymont Bridge Co.'s Bill for the preservation of the Navigation of Black Wattle Creek.	
June 8 ..	J. T. Smith, Glebe.....	(1) One	Mr. Owen.....	Do. Do. Do.	
June 22 ..	D. Waugh, as Chairman of Kiama Steam Navigation Company	(1) One	Mr. Deniehy	{ Praying leave to introduce a Bill to amend the Act Incorporating the Kiama Steam Navigation Company.	

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1858.	17. Railways.				
April 7 ..	Certain Inhabitants of the Town and District of Windsor	{ (190) One hundred and ninety .. }	Mr. Smith	{ Praying the Extension of a Branch Line of Railway to the District of Windsor .. }	} Printed.
May 26 ..	Isaac Robinson, as Chairman of Public Meeting at Maitland	{ (1) One .. }	Mr. Weekes	{ Praying that a crossing-place may be constructed at the intersection of Abbott-street, West Maitland, by the Great Northern Railway, and a passenger platform at Abbott or High-street.. }	} Printed.
June 18 ..	Certain Inhabitants of the District of the Hunter	{ (242) Two hundred and forty-two .. }	Mr. Weekes	{ Representing that the Railway Commissioners, in extending the line of Railway from East to West Maitland, have dammed up the natural outlet of the waters of Wallis's Creek, and in lieu thereof have made a new cut which is not to the level of the natural outlet, to the great injury of Petitioners, in flooding and preventing the drainage of their lands, and praying relief .. }	} Printed.
June 23 ..	J. Williams, Esq., Mayor of Sydney	{ (1) One .. }	Mr. Thornton	{ Praying that no Railway, Tramway, or extension of the same, may be made within the limits of the City of Sydney, unless under the authority of a special enactment by the Parliament for that purpose only. }	
July 15 ..	J. Murphy, as Chairman of Public Meeting, Sydney	{ (1) One .. }	Mr. Cowper	{ Praying the extension of Railways throughout the Colony .. }	} Printed.
July 27 ..	Certain Inhabitants of Singleton and its vicinity	{ (132) One hundred and thirty-two... }	Mr. White	{ Praying relief from their present state of uncertainty as to the direction intended to be given to the line of Railway in contemplation towards Singleton... }	} Printed.
July 27 ..	J. Williams, Esq., Mayor of Sydney, on behalf of Municipal Council	{ (1) One .. }	Mr. Thornton	{ Praying that no Railway, Tramway, or extension of the same, may be made within the limits of the City of Sydney, unless under the authority of a special enactment of the Parliament for that purpose only. .. }	} Printed.
August 27.	Certain Inhabitants of Parramatta south	{ (42) Forty-two .. }	Mr. Forster	{ Praying that the site of the Railway Terminus at Parramatta may not be changed .. }	} Printed.
Sept. 9 ..	Certain Lessees of Land at Honeysuckle Point, Newcastle	{ (16) Sixteen .. }	Dr. Bowker	{ Representing that in consequence of a dispute as to the validity of their leases, they have hitherto been unable to obtain compensation for lands taken from them at Honeysuckle Point, Newcastle, for Railway purposes, and praying relief .. }	} Printed.
Nov. 2....	Certain Colonists	{ (1,100) Eleven hundred }	Mr. Cowper	{ Praying the further Extension of the Southern and Western Railways .. }	} Printed.
Nov. 24 ..	Certain Inhabitants of Parramatta, in public meeting assembled	{ (1) One .. }	Mr. Smith	{ Praying the establishment of fixed Railway Fares in accordance with a reduced scale in the Petition set out. }	
	18. Roads, Rivers, and Bridges.				
May 5 ..	George Underwood Alley, of Shoalhaven	{ (1) One .. }	Mr. Parkes	{ Representing that a certain Petition, having reference to the Navigation of the Shoalhaven River, is being got up in the District, which will not be the legitimate expression of public opinion, and praying the House will not permit of the rights of Petitioner being so abused .. }	} Printed.
May 6 ..	Certain Inhabitants of the Police District of Shoalhaven	{ (342) Three hundred and forty-two .. }	Mr. Aldcorn	{ Praying that the House will take into consideration the Report of the Surveyor appointed to ascertain and report upon the facilities for deepening the Channel of the Shoalhaven River .. }	} Printed.

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1858.	18. Roads, Rivers, and Bridges—continued.				
May 6 ..	Certain Inhabitants of Albury	{ (235) Two hundred and thirty-five }	Mr. Hay	{ Praying the erection of a Bridge over the River Murray at the township of Albury	} Printed.
May 28 ..	Certain Stockholders of the Wide Bay and Burnett Districts	{ (113) One hundred and thirteen.... }	Mr. Robertson.....	{ Praying that Bridges may be erected across the Barramba and Gundi Creeks	} Printed.
June 3 ..	Certain Residents in the District of Shoalhaven	{ (134) One hundred and thirty-four }	Mr. Aldcorn.....	{ Praying that the House will consider the necessity for placing a sum of money on the Estimates for the purpose of repairing the road from Shoalhaven to Braidwood	
June 11 ..	Certain Inhabitants of Maitland, Singleton, Wollombi, &c.	{ (127) One hundred and twenty-seven }	Mr. Piddington	{ Representing the great injury and inconvenience resulting from the destruction of the Bridge over Cockfighter's Creek, and praying relief	} Printed.
June 17 ..	Certain Inhabitants of the District of Shoalhaven	{ (150) One hundred and fifty	Mr. Aldcorn.....	{ Praying the establishment of a Ferry at Bumaderry Point, Shoalhaven River	} Printed.
	19. Synod of Australia.				
Sept. 30 ..	Rev. J. D. Lang, D. D.	(1) One	Mr. Richardson	{ Praying the appointment of a Select Committee to inquire into, and report upon, certain proceedings of the Synod of Australia, in 1842, with reference to Petitioner	} Printed.
October 7 ..	Certain Ministers of the Synod of Australia	{ (4) Four	Mr. Plunkett	{ Praying the House to refuse to grant the Prayer of the Rev. Dr. Lang's Petition for inquiry by a Select Committee into the proceedings of the Synod of Australia, in 1842, with respect to Dr. Lang	} Printed.
October 7 ..	Rev. Dr. Fullerton	(1) One	Mr. Donaldson	Similar Prayer	} Printed.
October 19 ..	Certain Elders and Members of the Scots Church, Sydney.	{ (11) Eleven ..	Mr. Robertson.....	{ Praying that the House will grant the Committee of Inquiry into the proceedings of the Synod of Australia, with reference to the Rev. Dr. Lang, in the year 1842, prayed for by the Petition of the Rev. Dr. Lang, presented to the House on the 30th September last	} Printed.

R. O'CONNOR,

Clerk of Legislative Assembly.

Legislative Assembly Office,
Sydney, 26 November, 1858.

Legislative Assembly.
NEW SOUTH WALES.

No. 1.

ALPHABETICAL REGISTER OF PUBLIC BILLS, ORIGINATED IN THE ASSEMBLY DURING THE SESSION OF 1858.

SHORT TITLES.	BY WHOM INITIATED.	When ordered.	When presented and read 1 ^o	Read 2 ^o	Committed.	Reported.	Recommitted.	Report.	Adoption of Report.	Read 3 ^o	Passed.	Sent up to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Council's Amendments agreed to with Amendments.	Council agree to Assembly's Amendments on their Amendments.	Council disagree to Assembly's Amendments on their Amendments.	Bill dropped or laid aside.	Assent reported.	Number of Act.	REMARKS.	
Ad eundem Degrees Bill	Mr. Macarthur	18 June	18 June																	13 Aug.	22 Viet.	8	Dropped 13 August.	
Admitted Colleges Partial Endowment Act Amendment Bill	Mr. Dalley	30 April	30 April	14 May	11 May	18 May			18 May	19 May	19 May	19 May	24 Nov.	4 Aug.	10 Aug.						25 Aug.	21		
Appropriation Bill for 1857-8	Mr. R. Campbell	16 Nov.	17 Nov.	18 Nov.	18 Nov.	18 Nov.			18 Nov.	24 Nov.	24 Nov.	21 Nov.	24 Nov.								26 Nov.	8		
Bonded Warehouses Act Repeal Bill	Mr. Gordon	31 Mar.	31 Mar.	9 April	9 April	9 April			9 April	9 April	9 April										27 April			
Chinese Immigration Bill	Mr. Cowper	8 April	8 April	29 May	20 May	24 June	30 June	30 June	30 June	3 July	3 July	3 July												
City Port and Hamlets Police Act Amendment Bill	Mr. Thornton	7 May	7 May																		14 May			
Compulsory Vaccination Bill	Mr. Jenkins	23 July	29 July																		31 Aug.			
Crown Lands Alienation in certain Cases Bill	Mr. Robertson	2 Sept.	2 Sept.																		16 Sept.			
Customs Consolidation Bill	Mr. Donaldson	25 May	25 May																					
Electoral Law Amendment Bill	Mr. Cowper	30 Mar.	30 Mar.	12 May	1 June	18 Aug.	25 Aug.	25 Aug.	25 Aug.	26 Aug.	26 Aug.	26 Aug.	2 Nov.				9 Nov.				21 Nov.	20		
First Electoral Rolls Bill	Mr. Cowper	23 Sept.	23 Sept.	7 Oct.	21 Oct.																7 Oct.			
Fraudulent Trustees and Bankers better Punishment Bill	Mr. Martin	31 Mar.	31 Mar.	13 April	13 April	13 April	13 May	13 May	13 April	18 May	18 May										6 Nov.			
Government Loan Bill of 1858	Mr. R. Campbell	2 June	2 June	22 June	22 June	22 June			22 June	24 June	24 June	24 June	1 July									21 July	5	
Government Railways Bill	Mr. Cowper	24 Mar.	31 Mar.	30 April	18 Aug.	28 Aug.	27 Aug.	26 Aug.	1 Sept.	1 Sept.	1 Sept.			15 Oct.			21 Oct.	11 Nov.			24 Nov.	19		
Hard Labor Bill	Mr. Cowper	29 April	29 April	19 May	19 May	19 May			19 May	21 May	21 May	21 May		18 June	22 June							30 June	2	
Impounding Bill	Mr. Jamison	20 April	20 April	4 June	18 June	13 July			13 July	20 July	20 July	20 July												
Interminable Debentures Exchange Bill	Mr. R. Campbell	12 Aug.	12 Aug.																		21 Oct.			
Landed property in Case of Intestacy Discount Bill	Mr. Murray	27 April	30 April																					
Main Roads Bill	Mr. Robertson	26 Mar.	26 Mar.	9 April	9 April	14 April	14 April	14 April	11 April	22 April	22 April	22 April		14 May	19 May							17 June	8	
Masters' and Servants' Act Amendment Bill	Mr. Martin	31 Mar.	31 Mar.	13 April	13 April	13 April			13 April	14 April	14 April	14 April									21 Nov.			
Moreton Bay Administration of Justice Act Amendment Bill	Mr. Cowper	21 Oct.	21 Oct.	27 Oct.	27 Oct.	18 Nov.			18 Nov.												9 Sept.			
Moreton Bay Judge's Appointment Bill	Mr. Martin	31 Mar.	31 Mar.																					
Municipalities Bill	Mr. Cowper	26 Mar.	26 Mar.	25 May	27 July	18 Aug.	1 Sept.	1 Sept.	1 Sept.	2 Sept.	2 Sept.	2 Sept.		7 Oct.	14 Oct.						27 Oct.	13		
Ordinance Lands Transfer Bill	Mr. Robertson	19 May	19 May																		26 May			
Pastoral Lands Assessment and Rent Bill	Mr. Robertson	12 Aug.	12 Aug.	19 Aug.	24 Aug.	2 Sept.	2 Sept.	2 Sept.	2 Sept.	3 Sept.	3 Sept.	3 Sept.	7 Oct.									11 Nov.	17	
Pilotage Rates Amendment Bill	Mr. R. Campbell	31 Mar.	31 Mar.	13 April	22 April	22 April			30 April	6 May	6 May	6 May					22 June	30 June			21 July	4		
Publicans' Licensing Bill	Mr. Dalley	23 April	27 April																		25 June			
Publicans' Licensing Act Amendment Bill	Mr. Martin	30 June	30 June	2 July	13 July	3 Aug.			3 Aug.	13 Aug.	13 Aug.	13 Aug.									6 Aug.			
Railway Loan Bill, 1858	Mr. R. Campbell	10 Aug.	10 Aug.																					
Railway and other Public Works Loan Bill of 1858	Mr. R. Campbell	1 Sept.	1 Sept.	18 Nov.	18 Nov.	24 Nov.			24 Nov.	25 Nov.	25 Nov.	25 Nov.	25 Nov.								18 Nov.	22		
Scab in Sheep Prevention Bill	Mr. Hodgson, as Chairman of Select Committee on Scab and Cuttarr in Sheep.		26 May	15 June	22 June	20 July			20 July	23 July	23 July	23 July		26 Aug.	3 Sept.							8 Oct.	10	
Steam Postal Communication Bill	Mr. Cowper	23 Sept.	23 Sept.	30 Sept.	30 Sept.	30 Sept.			30 Sept.	1 Oct.	1 Oct.	1 Oct.		19 Oct.	21 Oct.							2 Nov.	15	
Titles to Land Bill	Mr. Faucett	9 April	9 April	30 April	30 April	30 April			30 April	7 May	7 May	7 May	4 June								30 June	1		

No. 2.

ALPHABETICAL REGISTER OF PRIVATE BILLS INTRODUCED UPON PETITION TO THE ASSEMBLY DURING THE SESSION OF 1858.

SHORT TITLES.	BY WHOM PETITION PRESENTED.	When ordered.	When presented and read 1 ^o	When referred to Select Committee.	When reported by Select Committee.	Read 2 ^o .	Committed.	Reported.	Recommitted.	Report.	Adoption of Report.	Read 3 ^o .	Passed.	Sent up to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Council's Amendments agreed to with Amendments.	Council agree to Assembly's Amendments on their Amendments.	Bill dropped or laid aside.	Assent reported.	REMARKS.
Australian Gas Light Company's Bill	Mr. Dalley	14 May	14 May	18 May	20 July	10 Aug.	10 Aug.	10 Aug.			10 Aug.	13 Aug.	13 Aug.	13 Aug.	1 Sept.							8 Oct.	
Bathurst School of Arts Bill	Mr. Suttor	27 April	27 April	30 April	4 June	15 June	15 June	15 June			15 June	18 June	18 June	18 June	2 July							21 July	
Klarna Steam Navigation Company's Bill	Mr. Denichy	30 June	2 July	13 July	23 July	30 July	3 Aug.	3 Aug.			3 Aug.	6 Aug.	6 Aug.	6 Aug.	1 Sept.							8 Oct.	
Pymont Bridge Company's Bill	Mr. Dalley	14 May	14 May	18 May	20 July	3 Aug.	10 Aug.	10 Aug.			10 Aug.	24 Aug.	24 Aug.	24 Aug.		16 Sept.	1 Oct.					27 Oct.	
St. Phillip's Parsonage Bill	Mr. Thornton	8 June	9 June	15 June	20 July	3 Aug.	3 Aug.	3 Aug.			3 Aug.	6 Aug.	6 Aug.	6 Aug.	2 Nov.							11 Nov.	

1858.

Legislative Assembly.

NEW SOUTH WALES.

ALPHABETICAL REGISTERS

OF

ADDRESSES AND ORDERS FOR PAPERS,

AND OF

SEPARATE AND JOINT ADDRESSES

NOT BEING FOR PAPERS,

(SESSION 1858.)

Legislative Assembly.

ALPHABETICAL REGISTER OF ADDRESSES AND ORDERS FOR PAPERS, DURING THE SESSION OF 1858.

WHEN PASSED.		On whose Motion.	PAPERS APPLIED FOR.		Return to Address or Order.	Register Number.	IF TO BE PRINTED.		
No.	VOTES.		By Address.	By Order.			Date of Order.	When given to Clerk of Printing Branch.	When returned to Clerk of Records.
		Entry.							
		Date.							
5	30 March	9	Mr. Donaldson	Bank Assistance to Government.	7 April	58-100	7 April	8 April	16 April.
21	30 April	25	Mr. Rotton	Rathurst Town and Suburban allotments.	20 May	58-260	20 May	21 May	7 June.
68	30 July	9	Mr. Forster	Bayley, Charles Luke, Esq., J.P.—Inquiry into conduct of	9 June	58-233	9 June	10 June	7 July.
21	30 April	13	Mr. Tooth	Bishop's Registrar—Transfer of Registers of to	27 August	58-553	27 August	28 August	20 September.
18	27 April	7	Mr. Donaldson	Registrar General's Office	20 July	58-439	20 July	21 July	29 October.
10	13 April	17	Mr. Tooth	Bonded Stores in Sydney—Fees from	14 May	58-232	14 May	17 May	7 June.
13	16 April	17	Mr. Scott	Breakwater at Stockton, Newcastle	20 April	58-146	20 April	21 April	27 April.
29	18 May	16	Mr. Piddington	Bridges upon the Main Lines of Road	27 April	58-165	27 April	28 April	7 July.
32	21 May	10	Mr. Byrnes	Buildings occupied as Government Offices in Sydney	1 September	58-575	1 September	2 September	3 October.
40	4 June	9	Mr. Murray	Cases in which Attorney General declined to prosecute	8 June	58-325	8 June	9 June	22 June.
115	5 November	5	Mr. Donaldson	Circular Quay—Portion for use of Ocean Postal Steamers	13 July	58-442	13 July	14 July	29 October.
36	28 May	10	Mr. Parkes	Civil Service—Annual Expenditure of	14 December	58-778	14 December	15 December	
52	29 June	3	Mr. Murray	Collector—High Road, near Horse Flat	13 July	58-424	13 July	14 July	20 September.
28	14 May	31	Mr. Piddington	Crown Lands—Rejection of Tenders or Applications for					
29	18 May	6	Mr. Forster	Darling River District—Surveys of					
51	25 June	8	Mr. G. Macleay	Debitures (Government) Sale of Advances upon	3 August	58-481	3 August	31 March	10 April.
4	26 March	7	Mr. Donaldson	Debitures and Treasury Bills issued from 1st September, 1857	30 March	58-79	30 March	30 March	16 April.
5	30 March	10	Mr. Donaldson	Dredge (Steam) Expenses of working	7 April	58-101	7 April	8 April	7 July.
42	9 June	10	Mr. Williamson	Dunlop, Mr.—Investigation into conduct of	17 June	58-355	17 June	18 June	7 July.
5	30 March	14	Mr. Scott	Electoral Districts—Adult Male Population in	20 May	58-253	20 May	3 May	7 May.
17	23 April	13	Mr. W. Macleay	Electric Telegraph—Progress and present state of	30 April	58-180	30 April	18 August	8 October.
13	16 April	13	Mr. Parkes	Evans, William Bird—Liberation of	17 August	58-513	17 August	13 May	14 May.
13	16 April	10	Mr. Forster	Ditto	13 May	58-222	13 May	13 May	17 August.
32	21 May	8	Mr. Forster	Expenditure authorised and unauthorised by	30 June	58-396	30 June	1 July	28 July.
47	18 June	9	Mr. Donaldson	Do, since April, 1858	1 July	58-407	1 July	2 July	6 October.
76	13 August	3	Mr. Donaldson	Do, do, since 18 June, 1858	31 August	58-556	31 August	1 September.	

WHEN PASSED.			PAPERS APPLIED FOR.		IF TO BE PRINTED.					
No.	Votes.		On whose Motion.	By Address.	By Order.	Return to Address or Order.	Register Number.	Date of Order.	When given to Clerk of Printing Branch.	When returned to Clerk of Records.
	Date.	Entry.								
51	25 June	3	Mr. Smith	Flour for Indian Government—Tenders for.		14 July	58-428			
69	3 August	6	Mr. Smith	Do.		25 August	58-540			
4	26 March	8	Mr. Donaldson.	Franchise (Elective)—Exercise of by Government Officers.		13 April	58-122	13 April	14 April	19 April.
91	9 September	7	Mr. Williamson	Gale, Mr. Robert Vining	"Freak" (Brig), alleged Seizure and Release of	16 September	58-603	10 September	17 September.	6 October.
62	29 June	11	Mr. Parkes	Grammar School at Bathurst	Government Printing Office—Expenditure of	31 August	58-333	17 June	18 June	22 June.
32	21 May	7	Mr. Weekes	Do.	do. —Paper used in	17 June	58-333	18 June	19 June	22 June.
32	21 May	6	Mr. Williamson	Mr. Rotton	Halloran, Arthur E., Esq.—Conduct of	18 June	58-364	5 May	6 May	21 May.
17	23 April	11	Mr. Rotton	Mr. Forster	Harbour Master's Department, Newcastle—	15 July	58-186			
41	8 June	6	Mr. Forster	Mr. Donaldson.	Inquiry into	18 June	58-432			
32	21 May	5	Mr. Donaldson.	Harris, Dr.—Depositions and Correspondence.		9 November	58-365			
107	22 October	5	Mr. Plunkett	Immigration—Assisted and Unassisted from 1842	Hyde Park Improvement Committee.	25 November	58-718	9 November	10 November.	2 December.
104	19 October	6	Mr. Forster	Immigrants—Irish Female		23 September	58-763	23 November	27 November.	30 December.
41	8 June	7	Mr. Denichy			24 June	58-608	23 September	24 September.	6 October.
38	2 June	9	Mr. Thornton			13 July	58-378	24 June	25 June	7 July.
5	30 March	13	Mr. Thornton		Insolvencies from 1854 to 1857	17 July	58-423	13 July	14 July	29 October.
40	4 June	4	Mr. Cox	Lands measured and sold at Orange		17 November	58-741	17 November	18 November.	2 December.
7	7 April	15	Mr. Rotton	Mails—Irregular conveyance of to Bathurst		25 November	58-763	23 November	27 November.	30 December.
9	9 April	13	Mr. Williamson	Mint, Sydney Branch of the Royal—Cost and Expenses of		3 August	58-478	3 August	4 August	6 October.
5	30 March	7	Mr. Donaldson.	Moreton Bay—Separation of		9 April	58-116			
88	3 September	3	Mr. G. Macleay	Murray River, Bridge over the, at Albury		15 April	58-134	15 April	16 April	27 April.
14	20 April	12	Mr. Faucett	National Education Board—Dismissal of Chairman of		8 April	58-108	8 April	9 April	19 April.
104	19 October	3	Mr. Donaldson.	Paris Exhibition—Receipts and Expenditure.		5 November	58-715	5 November	6 November.	2 December.
99	1 October	1	Mr. Brynes	Tarramatta Gaol—Charges against Officials of		22 April	58-157	22 April	23 April	27 April.
104	19 October	4	Mr. Brynes	Do.		19 November	58-746	19 November	22 November.	2 December.
120	16 November	5	Mr. Donaldson.	Pastoral Lands Assessment & Rent Bill (Assent to)		19 November	58-744	19 November	22 November.	2 December.
57	13 July	5	Mr. Murray	Peacock, Capt., and Drew, Mr.—Removal of		22 July	58-456	22 July	23 July	20 September.
29	18 May	8	Mr. Donaldson	Police Magistrates or Commissioners of Crown Lands—Retirement from Office of		1 June	58-284	1 June	2 June	22 June.
13	16 April	15	Mr. Parkes	Police Office (Central) Clerks.		15 June	58-346	15 June	16 June	7 July.
7	7 April	14	Mr. Dalley	Population of Police Districts—Adult Males		20 May	58-252	20 May	21 May	7 June.
28	14 May	26	Mr. W. Macleay	and Females		3 June	58-304	3 June	4 June	7 June.

WHEN PASSED.		ON WHOSE MOTION.		PAPERS APPLIED FOR.		IF TO BE PRINTED.				
No.	VOTES.		Entry.	By Address.	By Order.	Return to Address or Order.	Register Number.	Date of Order.	When given to Clerk of Printing Branch.	When returned to Clerk of Records.
	Date.									
24	7 May		6	Mr. Cribb	Pounds and Poundkeepers, Moreton Bay	15 July	58-431	15 July	16 July	21 October.
77	17 August		9	Mr. Forster	Pyrmont Bridge Company's Plan of their Works.	24 August	58-532	24 August	25 August	20 September.
99	1 October		12	Mr. Forster	Railway Extension to Western Interior—Line of	16 November	58-738	30 September	1 October	6 October.
33	25 May		4	Mr. Flood	Railway (Government) Officers and Servants	30 September	58-625			
99	1 October		10	Mr. Forster	Railway Management	17 August	58-511	17 August	18 August	20 September.
64	23 July		2	Mr. Forster	Railway to Picton, Penrith, & Singleton—Plans of	1 June	58-280	1 June	2 June	7 July.
18	27 April		6	Mr. Donaldson	Returning Officer for the Western Boroughs—Conduct of					
99	1 October		9	Mr. Gordon	Roads and Bridges—Expenditure of Appropriations for	8 June	58-326			
28	14 May		10	Mr. Buckley	Ross, Mr., 2nd Lieutenant Native Police—Dismissal of	15 July	58-433			
32	21 May		12	Mr. Hodgson	Runs occupied under Orders in Council					
104	19 October		12	Mr. White	School Statistics					
125	24 November		14	Mr. Plankett	Signal Staff, Newcastle—Removal of	18 May	58-240	25 November	26 November	30 December.
21	30 April		7	Mr. Donaldson		17 November	58-740	23 September	24 September	6 October.
112	2 November		4	Mr. Hodgson		23 September	58-607			
92	10 September		4	Mr. Forster						
57	13 July		6	Mr. Murray						
18	27 April		17	Mr. Murray		12 May	58-215	12 May	13 May	21 May.
55	2 July		7	Mr. Faucett		30 July	58-475	30 July	31 July	20 September.
41	8 June		12	Mr. Taylor		20 July	58-442	20 July	24 July	31 August.
103	15 October		3	Mr. Forster		25 November	58-762	25 November	27 November	30 December.
9	9 April		10	Mr. Hodgson		14 April	58-130	14 April	15 April	27 April.
48	23 June		12	Mr. Donaldson		25 June	58-385	25 June	26 June	7 July.
64	23 July		5	Mr. Donaldson		29 July	58-471	29 July	30 July	20 September.
83	31 August		10	Mr. Donaldson		8 September	58-687	8 September	9 September	20 September.
119	12 November		3	Mr. Gordon						
70	4 August		6	Mr. Donaldson		6 August	58-494	6 August	7 August	31 August.
40	4 June		11	Mr. Murray		25 June	58-354	25 June	28 June	7 July.
10	13 April		14	Mr. Gordon		22 April	58-148	22 April	23 April	27 April.
9	9 April		15	Mr. Owen		20 April	58-144	20 April	21 April	27 April.

* See Correspondence on subject laid upon the Table, and ordered to be printed 25 November, 1858.

Legislative Assembly.

ALPHABETICAL REGISTER OF SEPARATE AND JOINT ADDRESSES (NOT BEING FOR PAPERS), TO THE GOVERNOR GENERAL, DURING THE SESSION OF 1858.

SUBJECT OF ADDRESS.	ORIGINATED IN THE ASSEMBLY.			BROUGHT FROM THE COUNCIL.			WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED.			WHEN AND HOW ANSWERED.			REMARKS.
	VOTES.			VOTES.			VOTES.			VOTES.			VOTES.			
	No.	Date.	Entry	No.	Date.	Entry	No.	Date.	Entry	No.	Date.	Entry	No.	Date.	By whom and how.	
Artillery—Proposed Dispatch of, to India	10	13 April...	15	..	..	15	13 April....	15	12	15 April ..	1	12	15 April ..	1	Governor General
	15	21 April....	1	..	..	3	22 April....	3	..	26 April ..	..	..	..	..	..
Do. Question of Privilege..	76	13 August..	14	..	..	76	13 August..	16	..	16 Aug. ..	..	..	17 August..	2	Do.
Bishop's Secretary—Compensation to,	77	17 August..	3	..	..	77	17 August..	3	..	23 Aug. ..	..	..	..	..	..
Elective Legislature	84	27 August..	6	..	..	84	27 August..	6	..	30 Aug. ..	..	..	..	..	..
Gold Dust—Seizure of on board the "Etheral" and "Mary Nicholson"	122	18 Nov.	5	..	..	122	18 Nov.	5	..	22 Nov. ..	..	..	..	..	..
Military Force—Increased	90	8 September	4	..	..	90	8 September	4	..	9 Sept. ..	..	..	..	..	..
Postal Communication via Panama	32	21 May	2	..	..	32	21 May	2	..	24 May ....	..	..	25 May	1	Do.
Postal Service between Great Britain and New South Wales,	64	23 July	4	..	..	64	23 July	4	..	26 July ....	..	..	..	..	..
—Unsatisfactory state of,	80	20 August..	2	..	..	80	20 August..	2	..	23 Aug. ..	..	..	..	..	..
Railway Accident	73	10 August..	9	..	..	73	10 August..	7	..	16 Aug. ..	..	..	..	..	..
Do.	119	12 Nov.	5	..	..	119	12 Nov.	5	..	15 Nov. ..	..	..	..	..	..
Railways—Construction of under Special Agreements,	2	24 March ..	8	..	..	2	24 March ..	10	3	25 March ..	1	3	25 March ..	1	Do.
Registration and Preservation of Records	88	3 September	6	..	..	88	3 September	6	..	6 Sept. ....	..	..	..	..	..
Reply to Governor General's opening Speech,	72	6 August ..	3	..	..	72	6 August ..	3	..	9 Aug. ....	..	..	10 August..	1	Do.
Sheep destroyed under Scab Act,	104	19 October..	11	..	..	104	19 October..	11	..	25 Oct. ....	..	..	..	..	..
—Compensation for,	34	26 May	11	..	..	34	26 May	11	..	31 May ....	..	..	..	..	..
Steam Communication with England via India	40	4 June	10	..	..	40	4 June	10	..	7 June ....	..	..	..	..	..
Survey Department—Management of—Question of Privilege																
Writ of Election—Special Return to Do.																

Legislative Assembly.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1858.

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	Number of Meetings.		No. of Witnesses Examined.	WHEN REPORTED.
					Called.	Held.		
1	The Governor General's Opening Speech...	24 March, 1858, Votes 2, Entry 8 (On Motion of Mr. Owen.)	Mr. Owen, Mr. Williamson, Mr. Aldcorn, Mr. Flood, Mr. Dickson,	Mr. Owen	1	1	None.	Final, 24 March, 1858.
2	Standing Orders.....	25 March, 1858, Votes 3, Entry 4 (On Motion of Mr. Cooper.)	The Speaker, Mr. Arnold, Mr. Cowper, Mr. Donaldson, Mr. Owen,	The Speaker	7	5	None.	{ First, 31 March, 1858. (With " Proposed Standing Orders.") Second, 11 November, 1858. (" Ex- penses of Parliamentary Wit- nesses.")
3	The Library	25 March, 1858, Votes 3, Entry 5 (On Motion of Mr. Cooper.)	The Speaker, Mr. Arnold, Mr. Cowper, Mr. Denichy, Mr. Donaldson,	The Speaker	None.	None.	None.	
4	Treasury Iron Chest and Accounts	20 March, 1858, Votes 5, Entry 11 (By Ballot.)	Mr. Flood, Mr. Jones, Mr. Buckley, Mr. Marks, Mr. Gordon,	Mr. Flood.....	1	1	None.	Progress, 31 March, 1858.
5	Special Return to Writ.....	31 March, 1858, Votes 6, Entry 1 (On Motion of Mr. Hodgson.)	Mr. Hodgson, Mr. Donaldson, Mr. Buckley, Mr. Macarthur, Mr. Owen,	Mr. Hodgson	4	4	7	Final, 26 May, 1858.
6	Moreton Bay Judge's Appointment Bill	31 March, 1858, Votes 6, Entry 8 (By Ballot.)	Mr. Martin, Mr. Fiddington, Mr. Gordon, Mr. Owen, Mr. Donaldson,	Mr. Martin	9	6	6	Final, 31 August, 1858.

STANDING AND SELECT COMMITTEES, &c.—continued.

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	Number of Meetings.		No. of Witnesses Examined.	WHEN REPORTED.
					Called.	Held.		
7	Elections and Qualifications	26 March, 1858, Votes 4, Entry 2 (By Speaker's Warrant.)	{ Richard Jones, Esquire, The Honorable John Hay, Esquire, Robert Thomas Jamison, Esquire, Elias Carpenter Weekes, Esquire, Alexander Walker Scott, Esquire, Samuel Deane Gordon, Esquire, Robert Owen, Esquire.	Mr. Scott	19	19	21	{ First, 11 May, 1858. (In case of Pye v. Oakes; reported against Petition.) Second, 19 May, 1858. (Embod- ying certain Resolutions, for the opinion of the House, in the case of <i>Rusden v. Moriarty</i> .) Third, 25 May, 1858. (Embod- ying certain Resolutions, for the opinion of the House, relative to the Special Return to Writ for <i>Moreton, Wide Bay, Burnett, Marston, &c.</i>)
8	Navigation of the Murray, &c.	13 April, 1858, Votes 10, Entry 12 (On Motion of Mr. G. Macleay.)	{ Mr. G. Macleay, Mr. Donaldson, Mr. Hay, Mr. Jamison, Mr. Jones, Mr. W. Macleay, Mr. Murray, Mr. Robertson, Mr. Sattler, Mr. White.	Mr. G. Macleay ..	19	14	6	Final, 29 October, 1858.
9	Question of Privilege—Governor Gene- ral's Answer to Address on proposed dispatch of Artillery to India	16 April, 1858, Votes 13, Entry 3 (By Ballot.)	{ Mr. Thornton, Mr. Jones, Mr. Cowper, Mr. Piddington, Mr. Parkes, Mr. Donaldson, Mr. Weekes, Mr. Smith, Mr. Forster, Mr. Macarthur.	Mr. Thornton	2	2	None.	Final, 20 April, 1858.
10	Alluvial Lands of the Hunter	16 April, 1858, Votes 13, Entry 16 (On Motion of Mr. Scott.)	{ Mr. Scott, Mr. Hay, Mr. Flood, Mr. Arnold, Mr. Jones, Mr. Piddington, Mr. Robertson, Mr. White, Mr. Weekes, Mr. Gordon.	Mr. Scott, 2 June, 1858. Mr. Jones, 18 Nov., 1858.	15	13	12	Final, 18 November, 1858.
11	Retrenchment in the Public Expenditure ..	20 April, 1858, Votes 14, Entry 5 (On Motion of Mr. Cowper.)	{ Mr. Cowper, Mr. Robertson, Mr. Donaldson, Mr. Flood, Mr. Forster, Mr. Jones, Mr. Parkes, Mr. Piddington, Mr. Smith, Mr. Weekes.	Mr. Cowper	23	18	21	Progress, 29 October, 1858.
12	Customs Department	20 April, 1858, Votes 14, Entry 13 (On Motion of Mr. Egan.)	{ Mr. Egan, Mr. R. Campbell, Mr. Gordon, Mr. Buckley, Mr. Lord, Mr. Weekes, Mr. Flood, Mr. Donaldson, Mr. W. Macleay, Mr. Dickson.	Mr. Egan	27	16	17	Progress, 19 November, 1858.
13	Registration and Preservation of Records ..	23 April, 1858, Votes 17, Entry 5 (On Motion of Mr. Owen.)	{ Mr. Owen, Mr. Jones, Mr. Smith, Mr. Hay, Mr. Weekes, Mr. Piddington, Mr. Flood, Mr. Williamson, Mr. Aldcorn, Mr. Gordon.	Mr. Owen	9	8	7	{ Progress, 4 November, 1858. (With "Registered Instruments better Preservation Bill," as amended and agreed to.)

14	Scab and Catarrh in Sheep	27 April, 1858, Votes 18, Entry 13 (On Motion of Mr. Hodgson.)	{ Mr. Hodgson, Mr. Cox, Mr. Donaldson, Mr. Flood, Mr. Lee, Mr. White, Mr. Robertson, Mr. Hay, Mr. Scott, Mr. Alcorn, * Seat declared vacant, 14 October, 1858.	{ Mr. Lloyd, Mr. G. Macleay, Mr. Robertson, Mr. Suttor, Mr. Taylor, Mr. G. Macleay, Mr. Forster, * Mr. Moriarty, Mr. Donaldson, Mr. Piddington, * Seat declared vacant, 14 October, 1858.	Mr. Hodgson	8	6	None.	{ Final, 26 May, 1858. (With Bill as framed and agreed to.) { First Progress, ("Question of Privilege.") 16 September 1858. { Second Progress, (Ditto) 1 Oct., 1858. { Taking Evidence.
15	Management of the Survey Department ..	30 April, 1858, Votes 21, Entry 5 (On Motion of Mr. White.)	{ Mr. White, Mr. Robertson, Mr. Hay, Mr. Scott, Mr. Alcorn, * Seat declared vacant, 14 October, 1858.	{ Mr. G. Macleay, Mr. Forster, * Mr. Moriarty, Mr. Donaldson, Mr. Piddington, * Seat declared vacant, 14 October, 1858.	Mr. White	38	27	17	{ First Progress, ("Question of Privilege.") 16 September 1858. { Second Progress, (Ditto) 1 Oct., 1858. { Taking Evidence.
16	Bathurst School of Arts Bill	30 April, 1858, Votes 21, Entry 21 (On Motion of Mr. Suttor.)	{ Mr. Suttor, Mr. Hay, Mr. Lee, Mr. Rotton,	{ Mr. Jones, Mr. Owen, Mr. Taylor.	Mr. Suttor	1	1	1	Final, 4 June, 1858.
17	State of the Magistracy	18 May, 1858, Votes 29, Entry 11 (On Motion of Mr. Murray.)	{ Mr. Murray, * Mr. Parkes, Mr. Piddington, Mr. Thornton, Mr. Egan, * Seat declared vacant, 31 August, 1858.	{ Mr. Jones, Mr. Forster, Mr. G. Macleay, Mr. Marks, Mr. Lee, * Seat declared vacant, 31 August, 1858.	Mr. Murray	22	19	17	{ Progress, ("Pearce v. Bayly.") 3 September, 1858. { Second Progress, ("Expenses of Witnesses.") 3 November, 1858. { Final, 9 November, 1858.
18	Australian Gas Light Company's Bill	18 May, 1858, Votes 29, Entry 18 (On Motion of Mr. Dalley.)	{ Mr. Dalley, Mr. Cowper, Mr. Hay, Mr. Williamson,	{ Mr. Gordon, Mr. Forster, Mr. Alcorn, Mr. Jones.	Mr. Dalley	4	2	2	Final, 20 July, 1858.
19	Pymont Bridge Company's Bill	18 May, 1858, Votes 29, Entry 19 (On Motion of Mr. Dalley.)	{ Mr. Dalley, Mr. Cowper, Mr. Hay, Mr. Williamson,	{ Mr. Scott, Mr. Flood, Mr. Weekes.	Mr. Dalley	7	5	2	Final, 20 July, 1858.
20	Irish Female Immigrants—(Petition from Celtic Association)	28 May, 1858, Votes 36, Entry 6 (On Motion of Mr. Thornton.)	{ Mr. Thornton, Mr. Denchey, Mr. Donaldson, Mr. Faucett, Mr. Owen, * Seat declared vacant, 31 August, 1858.	{ * Mr. Parkes, Mr. Murray, Mr. Williamson, Mr. Rotton.	Mr. Thornton	13	7	15	Taking Evidence.
21	Seizure of Gold on board the "Ethereal" and "Mary Nicholson"	15 June, 1858, Votes 44, Entry 5 (On Motion of Mr. Forster.)	{ Mr. Forster, Mr. Dalley, Mr. Jones, Mr. Donaldson, Mr. Hay,	{ Mr. Gordon, Mr. Robertson, Mr. Faucett, Mr. Mr. Jamison, Mr. Cox.	Mr. Forster	14	11	17	Final, 13 August, 1858.
22	Murders by the Aborigines on the Dawson River	15 June, 1858, Votes 44, Entry 7 (By Ballot.)	{ Mr. Hodgson, Mr. Cribb, Mr. Donaldson, Mr. Jones, Mr. Cowper,	{ Mr. Buckley, Mr. Forster, Mr. Richardson, Mr. Smith, Mr. Taylor.	Mr. Hodgson	12	11	16	Final, 3 August, 1858.
23	St. Philip's Parsonage Bill	15 June, 1858, Votes 44, Entry 9 (On Motion of Mr. Thornton.)	{ Mr. Thornton, Mr. Owen, Mr. Jenkins,	{ Mr. Cox, Mr. Tooth, Mr. Buckley.	Mr. Thornton	1	1	1	Final, 20 July, 1858.

STANDING AND SELECT COMMITTEES, &c.—continued.

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	Number of Meetings.		No. of Witnesses Examined.	WHEN REPORTED.
					Called.	Held.		
24	Railway Services of Thomas Wnoore, Esq..	2 July, 1858, Votes 55, Entry 8 (On Motion of Mr. Murray.)	{ Mr. Murray, Mr. Macarthur, Mr. G. Macleay, Mr. Faucett, } { Mr. R. Campbell, Mr. Murray, Mr. Jones, Mr. Deniehy, Mr. Forster, * Seat declared vacant, 31 August, 1858.	Mr. Murray	7	7	5	Final, 5 November, 1858.
25	Landed Property in cases of Intestacy } Descent Bill	2 July, 1858, Votes 57, Entry 12 (By Ballot.)	* Mr. Parkes, Mr. Piddington, Mr. Faucett, Mr. Martin, Mr. Macarthur. * Seat declared vacant, 31 August, 1858.	Mr. Murray	11	9	6	Progress, 3 November, 1858.
26	Proposed Presbyterian College—(Petition from the Reverend John Dunmore Lang, D.D.)	13 July, 1858, Votes 57, Entry 3 (By Ballot.)	{ Mr. Gordon, Mr. Jones, Mr. Hay, Mr. Aldcorn, Mr. Forster, } { Mr. Richardson, Mr. Dickson, Mr. Buckley, Mr. Robertson, Mr. Marks.	Mr. Gordon	8	7	9	Final, 30 September, 1858.
27	Kiama Steam Navigation Company's Bill...	13 July, 1858, Votes 57, Entry 12 (On Motion of Mr. Deniehy.)	{ Mr. Deniehy, Mr. Taylor, Mr. Smith, Mr. Byrnes, } { Mr. Jones, Mr. Flood, Mr. Suttor.	Mr. Jones	1	1	1	Final, 23 July, 1858.
28	Railway Accident	14 July, 1858, Votes 58, Entry 4 (By Ballot.)	{ Mr. Donaldson, Mr. Jones, Mr. Robertson, Mr. Scott, Mr. Weekes, } { Mr. Deniehy, Mr. Murray, Mr. Flood, Mr. Dalley, * Seat declared vacant, 16 November, 1858.	Mr. Donaldson	13	13	35	{ Progress, 23 July, 1858. { Final, 12 August, 1858.
29	University of Sydney	20 July, 1858, Votes 61, Entry 5 (On Motion of Mr. Deniehy.)	{ Mr. Deniehy, Mr. Murray, Mr. Flood, * Mr. Dalley, * Seat declared vacant, 16 November, 1858.	None	None.	None.	None.	
30	Extension of Railway to Windsor	23 July, 1858, Votes 64, Entry 5 (By Ballot.)	{ Mr. Smith, * Mr. Dalley, Mr. Scott, Mr. Oakes, * Mr. Parkes, * Seat declared vacant, 16 November, 1858. † Seat declared vacant, 31 August, 1858.	Mr. Smith	8	6	13	Taking Evidence.
31	Railway to Mompeth	31 August, 1858, Votes 85, Entry 12 (On Motion of Mr. Gordon.)	{ Mr. Gordon, Mr. Jones, Mr. Weekes, Mr. Arnold, Mr. Piddington, } { Mr. Robertson, Mr. Scott, Mr. White, Mr. Dickson.	Mr. Gordon	3	2	None.	

N. B.—Refreshment Committee called seven times, and six meetings held.

B. O'CONNOR,
Clerk of the Legislative Assembly.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTION PETITION.

(PYE v. OAKES.)

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS,

DECLARING

THAT THE ALLEGATIONS CONTAINED IN THE PETITION AGAINST THE
ELECTION AND RETURN OF GEORGE OAKES, ESQUIRE, AS A
MEMBER FOR THE ELECTORAL DISTRICT OF THE TOWN
OF PARRAMATTA, HAVE NOT BEEN PROVED;

WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

AND APPENDICES THERETO.

ORDERED, BY THE LEGISLATIVE ASSEMBLY, TO BE PRINTED,

11 *May*, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 2, WEDNESDAY, 24 MARCH, 1858.

* * * * *

6. Election Petitions:—Mr. Cowper, *by Command*, laid upon the Table the following Election Petitions which had been addressed to His Excellency the Governor General:—

(1.) A Petition from James Pye of Parramatta, in the Colony of New South Wales, Gentleman, complaining of the Election and Return of George Oakes, Esquire, as one of the Members for the Electoral District of the Town of Parramatta, and praying that the said Election and Return may be declared to be wholly null and void, and that it may be further declared that Petitioner was duly elected, and ought to have been returned as one of the Members for the said Electoral District, and that the Return to the Writ of Election for the same may be amended accordingly.

* * * * *

VOTES No. 4, FRIDAY, 26 MARCH, 1858.

* * * * *

2. Committee of Elections, and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“ LEGISLATIVE ASSEMBLY.

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

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint

“ Richard Jones, Esquire,
“ The Honorable John Hay, Esquire,
“ Robert Thomas Jamison, Esquire,
“ Elias Carpenter Weckes, Esquire,
“ Alexander Walker Scott, Esquire,
“ Samuel Deane Gordon, Esquire, and
“ Robert Owen, 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 twenty-sixth day of March, in
“ the year of our Lord one thousand eight hundred and fifty-
“ eight.

“ DANIEL COOPER,
“ Speaker.”

VOTES No. 8, THURSDAY, 8 APRIL, 1858.

* * * * *

2. Election Petitions:—The Speaker having reminded the House that the time had elapsed within which exception might be taken to his Warrant appointing the Committee of Elections and Qualifications,—

Mr. Cowper said it would have been his duty now to have moved, That the Election Petitions laid upon the Table by command, on the 24th ultimo, be referred to that Committee, but, as he had been informed by the Speaker, that no official intimation had reached him as yet that the requirement of the 67th section of the Electoral Act of 1851, as regards the deposit of the money to meet the costs of proceedings upon those Petitions had been complied with, he must abstain for the present from making that motion.

VOTES NO. 9, FRIDAY, 9 APRIL, 1858.

* * * * *

2. Election Petitions:—Adverting to what had been said yesterday in reference to the Election Petitions laid upon the Table on the 24th ultimo, Mr. Donaldson said that the Petition of Mr. Pye alleged on the face of it, that the £100 had been deposited in one of the Banks to the credit of the Speaker, and added, that as the Law was silent on the matter, it might be useful were the Speaker to explain what further intimation would be required of the fact of such deposit—
Whereupon the Speaker said, that as regarded Petitions addressed to himself, he invariably required that they be accompanied by a Bank Deposit Receipt for the £100 deposited to his credit, and added, in reference to the Petitions now before the House, that they would be proceeded upon immediately the Petitioners conformed to this practice as established in former cases.

VOTES NO. 10, TUESDAY, 13 APRIL, 1858.

1. * * * * *

Election Petitions:—

* * * * *

(2.) Mr. Cowper moved, That the Petition of James Pye, Esquire, against the return of George Oakes, Esquire, as one of the Members for the Electoral District of the Town of Parramatta, laid upon the Table, *by Command*, on the 24th ultimo, be referred to the Committee of Elections and Qualifications.

Question put and passed.

* * * * *

* * * * *

8. First Meeting of Committee of Elections and Qualifications:—Pursuant to the requirement of the 59th section of the Electoral Act of 1851, the Speaker appointed the first meeting of the Elections and Qualifications' Committee to take place at noon, on Thursday next, in Committee Room, No. 2.
9. Committee of Elections and Qualifications sworn:—Richard Jones, The Honorable John Hay, Robert Thomas Jamison, Elias Carpenter Weekes, Alexander Walker Scott, Samuel Deane Gordon, and Robert Owen, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.

VOTES NO. 25, TUESDAY, 11 MAY, 1858.

1. * * * * *

Committee of Elections and Qualifications:—Mr. Scott, as Chairman, brought up the Report from the Committee of Elections and Qualifications upon the Petition of James Pye, Esquire, against the Election and Return of George Oakes, Esquire, as one of the Members of this House for the Electoral District of the Town of Parramatta,—declaring that the allegations contained in the said Petition have not been proved, and that the Petition was not frivolous or vexatious.

Ordered to be printed, together with the Evidence, Minutes, and Appendices.

1858.

NEW SOUTH WALES.

ELECTION PETITION.

(Against the Election and Return of George Oakes, Esquire, as a Member for the Electoral District of the Town of Parramatta.)

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE Committee of Elections and Qualifications, duly appointed on the 26th day of March, 1858, under the provisions of the Electoral Act of 1851, to whom was referred on the 13th day of April, 1858, the Petition of James Pye, of Parramatta, in the Colony of New South Wales, gentleman, complaining of the Election and Return of George Oakes, Esquire, as one of the Members for the Electoral District of the Town of Parramatta, and praying that the said Election and Return may be declared to be wholly null and void, and that it may be further declared that Petitioner was duly elected and ought to have been returned as one of the Members for the said Electoral District, and that the Return to the Writ of Election for the same may be amended accordingly, have determined, and do hereby accordingly declare,—

1. That the allegations contained in the Petition have not been proved.
2. That the Petition is not frivolous or vexatious.

A. W. SCOTT,
Chairman.

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

In the matter of the Petition of James Pye, of Parramatta, Gentleman, complaining that, at the recent Election of Members to serve in the Legislative Assembly for the Electoral District of the town of Parramatta, threats were used by the said George Oakes, Esquire, one of the sitting Members for the said Electoral District to influence Voters, and praying that the Election and Return of the said George Oakes, Esquire, may be declared null and void, and that it may be declared that Petitioner was elected and ought to have been returned instead of the said George Oakes, Esquire.

THURSDAY, 15 APRIL, 1858.

Members Present :—

Mr. Hay,
Mr. Jamison,
Mr. Jones,

Mr. Owen,
Mr. Scott,
Mr. Weekes.

In attendance upon the Committee;—

The 2nd Clerk Assistant.

1. On motion of Mr. Jones, seconded by Mr. Jamison, Mr. Scott was elected Chairman of the Committee.
2. The Committee determined to consider the Petitions in the order in which they were referred to them by the House; and the Clerk was directed to inform the Petitioners accordingly, and also that due notice would be given of the day on which the Committee would be prepared to enter upon the consideration of each Petition.
3. The Committee then adjourned until to-morrow, at 11 o'clock, A.M.

LEWIS A. BERNAYS,

2nd Clerk Assistant.

* THURSDAY, 22 APRIL, 1858.

Members Present :—

A. W. Scott, Esquire, in the Chair.

Mr. Gordon,
Mr. Hay,
Mr. Jamison,

Mr. Jones,
Mr. Owen,
Mr. Weekes.

Present for the Parties :—

The Petitioner.

Counsel for Petitioner—Mr. Holroyd.

Solicitor for Petitioner—Mr. Rowley.

The Sitting Member.

Counsel for Sitting Member—Mr. Butler.

Solicitor for Sitting Member—Mr. Bowden.

In attendance upon the Committee :—

The 2nd Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the Petition in this case, as follows :—

“ To His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the
“ Most Honorable Order of the Bath, Governor General in and over all the
“ Colonies of New South Wales, Tasmania, Victoria, South Australia, and
“ Western Australia, and Captain General and Governor-in-Chief of the
“ Territory of New South Wales, and its Dependencies.

“ The humble Petition of James Pye, of Parramatta, in the Colony of New South Wales,
“ Gentleman,—

“ SHEWETH :—

“ That an Election was held on the eighteenth and nineteenth days of January
“ last, for the Electoral District of Parramatta.

“ That George Oakes, Esquire, James Byrnes, Esquire, and your Petitioner, were
“ Candidates at the said Election, to serve as Members of the Legislative Assembly for the
“ said Electoral District.

“ That before the said Election was held, the said George Oakes, Esquire, then being
“ one of the said Candidates as aforesaid, or some other person or persons on his behalf,
“ made use of certain threats to certain voters who were then on the Electoral Roll for the
“ said District of Parramatta, and who were then entitled to vote at the said Election, and
“ otherwise intimidated the said voters, with a view to influence their said votes at the then
“ forthcoming Election.

“ That

* The Committee met in the interval between this Meeting and that of 15 April, to consider another Petition referred to them.

“ That divers and very many persons having and claiming to have the right to vote at the said Election, and who would have voted, or might have voted thereat for your Petitioner, were withheld from so voting, and did not vote by reason of the said threats, and intimidations, and undue interference with the freedom of Election, so set forth as aforesaid, whereby the result of the said Election was deeply affected.

“ That the voting for the said Election took place in Parramatta aforesaid, on the said nineteenth of January.

“ That the Returning Officer to whom the Writ was duly issued for the Election of Members to serve in the said Legislative Assembly, for the said Electoral District, on the twenty-first day of the said month of January, declared that the said George Oakes, Esquire, and James Byrnes, Esquire, were duly elected as such Members, and the said Returning Officer thereupon returned to the said Writ that the said George Oakes, Esquire, and James Byrnes, Esquire, were duly elected such Members as aforesaid.

“ That by reason of the premises, the said George Oakes, Esquire, was illegally and improperly returned as one of the Members for the said Electoral District.

“ That your Petitioner has paid into one of the Banks regulated by Act of Council within the said Colony, namely, the Bank of New South Wales, the sum of One hundred Pounds to the credit of the Speaker of the said Legislative Assembly, in relation to this Petition.

“ Your Petitioner, therefore, humbly prays that the Election and Return of the said George Oakes, Esquire, as a Member of the Legislative Assembly for the said Electoral District may be declared to be wholly null and void, and that it may be declared that your Petitioner was thereby elected, and ought to have been returned instead of the said George Oakes, Esquire; and that the Return to the Writ for the said Election of Members to serve in the Legislative Assembly for the said Electoral District may be amended accordingly.

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

“ Dated this tenth day of February, in the Year of our Lord One thousand eight hundred and fifty-eight.

“ JAMES PYE.”

2. Counsel for Petitioner addressed the Committee upon the course which he proposed to adopt in conducting his case.

3. Richard O'Connor, Esquire, the Clerk of the Legislative Assembly, was then sworn and examined.

4. The Petitioner—*Mr. James Pye—†Mr. John Robert Ennis, ‡Mr. William Grenlecse, and §Mr. Thomas Allen, were respectively sworn and examined.

The Committee then adjourned until to-morrow, at 11 o'clock A. M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

Appendix A
and General
Appendix (L)
* Appendix B.
† Appendix C.
‡ Appendix D.
§ Appendix E.

FRIDAY, 23 APRIL, 1858.

Members Present:—

A. W. Scott, Esquire, in the Chair.

Mr. Gordon,	Mr. Jones,
Mr. Hay,	Mr. Owen,
Mr. Jamison,	Mr. Weekes.

Present for the Parties:—

The Petitioner.
Counsel for Petitioner—(Mr. Holroyd.)
Solicitor for Petitioner—(Mr. Rowley.)
The Sitting Member.
Counsel for Sitting Member—(Mr. Butler.)
Solicitor for Sitting Member—(Mr. Bowden.)

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. *Mr. John Cahill, †Mr. James Galloway, and ‡Mr. John Brown were respectively sworn and examined.

2. Counsel for Petitioner applied for and obtained permission from the Committee to read over, under the superintendence of the Short-hand Writer, the Evidence already taken in the matter of this Petition.

The Committee then adjourned until Tuesday next, at 11 A. M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

* Appendix F
and General
Appendix (2.)
† Appendix G.
‡ Appendix H
and General
Appendix (3.)

TUESDAY, 27 APRIL, 1858.

Members Present:—

A. W. Scott, Esquire, in the Chair.

Mr. Gordon,	Mr. Jones,
Mr. Hay,	Mr. Owen,
Mr. Jamison,	Mr. Weekes,

Present for the Parties:—

The Petitioner.
Counsel for Petitioner—(Mr. Holroyd.)
Solicitor for Petitioner—(Mr. Rowley.)

The Sitting Member.
 Counsel for Sitting Member—(Mr. Butler.)
 Solicitor for Sitting Member—(Mr. Bowden.)

In attendance upon the Committee :—
 The 2nd Clerk Assistant.

Appendix I
 and General
 Appendix (4.)
 Appendix J.

1. Mr. John Brown, having been reminded that he had been already sworn, was further examined, and having withdrawn,—
2. Mr. James M'Roberts was then sworn, and examined; and, a question having arisen in the course of the examination of this witness, as to the admissibility in evidence of a document purporting to be a memorandum—not written at the time—of a conversation between two witnesses; strangers withdrew, by order of the Committee.
3. The Committee deliberated upon the point raised; and, strangers having been re-admitted, the Chairman informed Counsel for Petitioner, That the Committee had decided not to receive the evidence in question.

Appendix K.

4. Mr. James Pye, junior, was then sworn and examined, and having withdrawn,—
5. Counsel for Petitioner proposed to call a witness, not being one of those mentioned by him in his opening speech, and a question having arisen thereupon, strangers were ordered to withdraw, and having withdrawn accordingly, the Committee deliberated upon the point raised.
6. Strangers having been re-admitted, the Chairman informed Counsel for Petitioner that the Committee had decided that the evidence shall be restricted to the case opened by Counsel.

•Appendix L.
 †Appendix M.

7. *Mr. J. F. Staff and †Mr. J. M. Gould were then respectively sworn and examined.
8. The Clerk was directed, in compliance with a request preferred by Counsel, to furnish each of those gentlemen with a copy of the evidence taken before the Committee in this case.

The Committee then adjourned until Thursday next, at 11 o'clock A. M.

LEWIS A. BERNAYS,
 2nd Clerk Assistant.

THURSDAY, 29 APRIL, 1858.

Members Present:—

A. W. Scott, Esquire, in the Chair.

Mr. Hay,		Mr. Jones,
Mr. Jamison,		Mr. Owen,
	Mr. Weekes.	

Present for the Parties:—

The Petitioner.
 Counsel for Petitioner—Mr. Holroyd.
 Solicitor for Petitioner—Mr. Rowley.
 The Sitting Member.
 Counsel for Sitting Member—Mr. Butler.
 Solicitor for Sitting Member—Mr. Bowden.

In attendance upon the Committee :—
 The 2nd Clerk Assistant.

Appendix N.

1. Mr. Samuel Jenner was sworn and examined.
2. Counsel for Petitioner then addressed the Committee.
3. Strangers having withdrawn, the Committee deliberated.
4. Strangers having been re-admitted, Counsel were informed that the Committee had decided to adjourn the further consideration of the case until to-morrow.

The Committee then adjourned until to-morrow, at 11 o'clock A. M.

LEWIS A. BERNAYS,
 2nd Clerk Assistant.

FRIDAY, 30 APRIL, 1858.

Members Present:—

A. W. Scott, Esquire, in the Chair.

Mr. Gordon,		Mr. Jones,
Mr. Hay,		Mr. Owen,
	Mr. Weekes.	

Present for the Parties:—

The Petitioner.
 Counsel for Petitioner—Mr. Holroyd.
 Solicitor for Petitioner—Mr. Rowley.
 The Sitting Member.
 Counsel for Sitting Member—Mr. Butler.
 Solicitor for Sitting Member—Mr. Bowden.

In attendance upon the Committee :—
 The 2nd Clerk Assistant.

1. Counsel for Sitting Member stated, that he should refrain from addressing the Committee until the evidence of all the witnesses he proposed to examine had been taken.
 2. *The Sitting Member was then sworn, and examined. * Appendix O.
 3. And a question arising in the course of the examination of this witness, as to the propriety of allowing certain questions to be put to him by his Counsel, strangers were ordered to withdraw, and, having withdrawn accordingly, the Committee deliberated upon the point raised.
 4. Strangers having been re-admitted, the Chairman informed Counsel for the Sitting Member that the Committee had decided not to admit the evidence in question.
 5. *The Sitting Member was then further examined.
 6. † Mr. Francis Oakes, and ‡ James Byrnes, Esq., M.P., having been respectively sworn and examined, † Appendix P.
‡ Appendix Q.
- The Committee then adjourned until Wednesday next, at 11 o'clock A. M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

WEDNESDAY, 5 MAY, 1858.

Members Present:—

Mr. Scott, in the Chair.

Mr. Gordon,	|	Mr. Jones,
Mr. Hay,	|	Mr. Owen,
Mr. Weekes.		

Present for the Parties:—

The Petitioner.

Counsel for Petitioner—Mr. Holroyd.

Solicitor for Petitioner—Mr. Rowley.

The Sitting Member.

Counsel for Sitting Member—Mr. Butler.

Solicitor for Sitting Member—Mr. Bowden.

1. Mr. Charles Bethel Lyons, Returning Officer for the Electoral District of the Town of Parramatta, was sworn, and examined. Appendix R.
 2. Counsel for Sitting Member having put a question to this witness, as to the number of votes polled at the Election for each candidate, and Counsel for Petitioner objecting on the ground that this evidence, if given, would be immaterial to the case, strangers were ordered to withdraw, and having withdrawn accordingly, the Committee deliberated.
 3. Strangers having been re-admitted, Counsel were informed that the Committee had decided to admit the evidence in question.
 4. Mr. Charles Bethel Lyons was then further examined, and, having withdrawn,— Appendix R.
 5. Counsel for the Sitting Member addressed the Committee, arguing that the Petition was both *frivolous and vexatious*, and claiming, upon that ground, to be allowed costs.
 6. Counsel for Petitioner having replied,—
 7. The Committee agreed to meet for the consideration of their Report on this case on Tuesday next, at 11 o'clock A. M.
- The Committee then adjourned until to-morrow, at 11 o'clock A. M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 11 MAY, 1858.

Members Present:—

Mr. Scott, in the Chair.

Mr. Gordon,	|	Mr. Jones,
Mr. Hay,	|	Mr. Owen,
Mr. Weekes.		

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Committee deliberated, and decided upon their Report.
- The Committee then adjourned until to-morrow, at 11 o'clock A. M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

APPENDIX A.

COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THURSDAY, 22 APRIL, 1858.

Present:—

Mr. Gordon, Mr. Hay, Mr. Jamison, Mr. Jones,	|	Mr. Owen, Mr. Scott, Mr. Weekes.
A. W. Scott, Esq., in the Chair.		

Richard O'Connor, Esq., having been sworn, was examined:—

1. *By Mr. Holroyd:* You are the Chief Clerk of the Legislative Assembly? I am the Clerk of the Legislative Assembly.
2. Do you produce a Writ directed to the Returning Officer of Parramatta, at the last General Election? I have in my hand a Writ addressed to "Charles Bethel Lyons, Esquire, Returning Officer for the Electoral District of the Town of Parramatta."
3. Sir William Denison's Writ? Signed "W. Denison," and having the Seal of the Colony attached to it.
4. What is that Writ for? It is a Writ issued for the election, at the late General Election, of two Members to serve in the Legislative Assembly for the Electoral District of the Town of Parramatta.
5. What was the day of nomination? The 18th of January last.
6. And of polling? The 19th day of January last.
7. Is there any return to that Writ? There is a return to it in these words—"I hereby certify that George Oakes, Esquire, and James Byrnes, Esquire, were duly chosen the Members for the Electoral District of the Town of Parramatta, to serve in the Legislative Assembly of New South Wales,"—signed, "Charles Bethel Lyons, Returning Officer."
8. Will you have the goodness to hand that in? (*The witness handed in the same, which was marked A by the Chairman.*)
9. Did you receive any voting papers with that? Yes.
10. The voting papers of that Election? Yes.
11. I may want the voting papers by and by, I do not just at present? Upon the order of the Chairman of the Committee it will be my duty to produce them.

APPENDIX B.

James Pye, Esq., having been sworn, was examined:—

1. *By Mr. Holroyd:* Were you one of the candidates at the last General Election, to represent the Borough of Parramatta? Yes.
2. Who were the other candidates? Mr. James Byrnes and Mr. George Oakes.
3. Have you ever been a Representative Member before? Yes; for the North Riding of Cumberland, in the last Parliament.
4. On what day was the nomination held? On the 18th January.
5. And the polling? Was on the 19th.
6. Was there a nomination? Yes.
7. In whose favor was the show of hands? Mr. Byrnes and Mr. Oakes.
8. Was any poll demanded? I demanded a poll.
9. Who was the Returning Officer? Mr. Lyons.
10. What is his Christian name? Charles.
11. Charles Bethel Lyons is his name, is it not? Yes.
12. Was there, in fact, any poll taken on the following day? Yes, on the following day.
13. Did you yourself see any votes recorded, any voting papers given in? Yes.
14. For whom? For both me and the other candidates, at different times.
15. You saw the Returning Officer receive the voting papers for yourself and the other candidates? Yes.

16. Do you recollect the declaration of the poll after the voting? Yes.
17. Were you present? Yes.
18. Whom did the Returning Officer declare to be duly elected? Mr. Byrnes and Mr. Oakes.
19. Mr. George Oakes and Mr. James Byrnes? Yes.
20. Have you paid in the £100 necessary under the Act, to the credit of the Speaker? Yes.
21. *By Mr. Butler*: You said you were sitting Member before; do you not hope you may be sitting Member again? I expect so.
22. *By Mr. Holroyd*: Are you an elector of the Borough of Parramatta? Yes.
23. And was at that Election? Yes.
24. And voted, I believe? No, I did not vote.

APPENDIX C.

Mr. John Robert Ennis called in, and having been sworn, was examined:—

1. *By Mr. Holroyd*: Were you Clerk of the Gaol at Parramatta in the month of January last? Yes.
2. Do you know Mr. George Oakes, the sitting Member? I know him by his appearance.
3. That gentleman is he (*indicating the sitting Member to the witness*)? Yes.
4. Do you know his brother, Mr. Francis Oakes? Yes.
5. Do you remember Saturday, the 16th of January last? I cannot say I recollect the day.
6. Do you recollect the Saturday before the election? Yes, I recollect the Saturday before the nomination.
7. Did you see either Mr. Francis or Mr. George Oakes on that day? I think I saw Mr. Francis Oakes; I would not be certain.
8. Did you see Mr. George Oakes on that day, or a day or two before the Election? I saw him a day or two before the Election.
9. You saw him a day or two before the Election—where? I do not know how many days, but some time before the Election. I cannot say how many days, but I saw him at the gaol.
10. Was any body with him? Yes, his brother, Mr. Francis Oakes.
11. Did they come together? I could not say that, but they were there when I arrived there.
12. They were there together when you saw them there first? Yes, they were in the same room.
13. Who spoke to you first, Mr. Francis, or Mr. George Oakes? Mr. Francis Oakes.
14. What did Mr. Francis Oakes say—they were both in the room together? There was a sort of baize screen dividing the room where I was from the other. Mr. Francis Oakes came in first. I do not think Mr. George was there. Mr. George Oakes did not come within the screen.
15. Before you saw Mr. Francis Oakes had you seen Mr. George Oakes there that day? Yes, both together. When I came in I walked past them and went into this place that was partitioned by the screen, and then Mr. Francis Oakes came in.
16. How high is this screen? It might be nigh ten feet; it is a very high room.
17. Is the screen as high as this door (*pointing to the door of the Committee Room*)? Yes.
18. Is the room as high as this? Yes, higher.
19. The room is higher than this, but the screen only goes up eight or nine feet? Yes, about that.
20. Did you see Mr. George Oakes after you had seen Mr. Francis Oakes? Yes, immediately after.
21. Was Mr. Francis Oakes present when you saw Mr. George Oakes? He returned instantly; he just went out as Mr. George Oakes came in.
22. Mr. Francis Oakes came in and had some conversation with you, and then went out and shortly returned with Mr. George Oakes? Mr. George Oakes came in, and Mr. Francis Oakes followed him.
23. How long was Mr. Francis Oakes away out of this screen? Not more than a few seconds.
24. Could Mr. George Oakes have heard the conversation that took place between you and Mr. Francis Oakes? Oh yes! there was nothing to prevent.
25. When Mr. Francis Oakes came in alone? Yes.
26. Was Mr. George Oakes near enough to hear it? Yes.
27. *By Mr. Jones*: Could Mr. George Oakes have been in the other compartment of the room without hearing what Mr. Francis Oakes said? I think he might; it is a large room.
28. He might have been so far removed that he could not have heard then? Well, he might, but I do not think he was.
29. Were you aware at what part of the room he was? Yes, I saw his position when I went in, but he might have changed it afterwards.
30. Do you know what position Mr. George Oakes was in when Mr. Francis Oakes spoke to you? I knew what position he was in if he did not change it after I came behind the screen; he might have changed it afterwards.
31. *By Mr. Hay*: From your knowledge of that room, would the existence of a baize screen across make any great difference as to the power of hearing? I do not think it would unless a person were speaking in a very low tone, because there is no door to it; merely a partition—a door way without any door.
32. *By Mr. Owen*: How many people were in the room? Only myself inside the screen, and Mr. Oakes, his brother, and Mr. Allen.
33. *By Mr. Wcekes*: Had you any desk in the room? Yes.

34. How near was that to the screen partition? It was in the middle of the room.
35. How far from the desk is the screen partition? About three feet; it might be more than that—it is in the centre of the room—a long oblong table in the centre of the room, partitioned off, about twelve feet square.
36. *By Mr. Holroyd*: Did Mr. Francis Oakes speak in a low tone, or in his usual tone? I do not remember—I think in his usual tone.
37. He did not speak in a whisper? No.
38. *By Mr. Gordon*: Was Mr. Allen in the apartment with Mr. George Oakes at the time Mr. Francis Oakes was speaking to you? Yes, he was.
39. He was with Mr. George Oakes in the other part of the room? Yes.
40. Then, if they had been in conversation together Mr. George Oakes might not have heard what Mr. Francis Oakes said to you? Yes.
41. *By Mr. Hay*: What was the size of this room? It was a very large room—I have no idea, not the slightest idea—perhaps it might be thirty feet, or it might be more.
42. *By Mr. Holroyd*: How near to the large partition was Mr. George Oakes when you passed through the room to go into the green baize room? He might be six feet.
43. Near the doorway? Yes; in the direction of the doorway.
44. What did Mr. Francis Oakes say to you when he went within this green baize screen—say the words he used as nearly as you can? He said “good morning,” or something like that—he said “have you made up your mind?”—for he had previously asked me if I would vote for Mr. Oakes—he said, “have you made up your mind now as to who you will vote for?”
45. What did you say? I said—I cannot say the exact words—
46. Give us as nearly as you can the exact words, and if you cannot give the exact words, give us the substance as nearly as you can? I can give the substance. I said “I had,” although I had not made up my mind whether I would vote or not. I said “I had made up my mind not to vote for Mr. Oakes.”
47. What was done next? I think he left the room then.
48. The screen? Yes.
49. Did he return again? Mr. George Oakes returned first.
50. How long after? Immediately after.
51. A few seconds after he returned—Mr. George Oakes entered and he followed? Yes.
52. State what took place when Mr. George Oakes returned? He came up to me.
53. What did he say? Upon my word I cannot say whether he addressed me first, or whether I spoke to him; I do not remember what he said—
54. What was the first thing, as near as you can recollect, when he came inside the screen; if you cannot give us the exact words, tell us the substance as near as you can? If I am allowed to explain, I can tell exactly how it occurred:—I, knowing he was come to canvass, gave him the same answer I had given his brother.
55. Tell us the answer—what did he say? I said I had made up my mind not to vote for him, and then he addressed me.
56. What did Mr. George Oakes say to you? He said, “You ought not to hold your present situation under Government,” or something of that, if I was opposed to it—we were under responsible Government, and, if I was opposed to the present Government I ought not to hold a situation under Government.
57. Did he say anything else? Yes, we had some conversation.
58. State what else he said about the Election? I said, so far as ever I had thought at all about politics—had given the subject a consideration—I thought the other party the best.
59. Did you say what other party? I said the conservative party. He asked me what I meant by conservative. I said Donaldson or Parker’s party; and he said “pretty conservatives,” or something like that.
60. What else did he say? I do not remember anything else; he might have said something else but I do not remember his words.
61. Do you recollect anything else that was said? No; I know something else was said.
62. Was anything said about your salary? No, not that I am aware of.
63. Or of the Government paying your salary? I do not remember.
64. Or of your resigning? He said I ought to throw up my situation; if I did not support the Government I ought not to hold a situation under Government.
65. He told you if you did not support the Government, you had better resign? I had better not hold my situation.
66. Did he say why? No.
67. Was anything more said? I said, in answer to that, it would be very inconsistent if parties who had supported the late Government should turn round and support the present Government.
68. What did he say to that? Then he left the room and went away.
69. Was Mr. Francis Oakes present during the conversation? Yes.
70. And heard it all? Yes.
71. You say he was out of the room only a few seconds when he came back—when he followed his brother in? Yes.
72. *By Mr. Butler*: Was Mr. Francis Oakes canvassing for Mr. Byrnes? Yes; he asked me before about that; he told me Mr. Byrnes and his brother were in the field, and asked me to vote for them.
73. *By Mr. Holroyd*: You say that Mr. Francis Oakes had asked you before to vote for Mr. Byrnes? He asked me who I would vote for, and I said I did not know any one was in the field. That was immediately after the dissolution.
74. Where did he ask you this? When I was going home from the office.
75. Mr. Francis Oakes asked you if you would vote for Mr. Byrnes? He said Mr. Byrnes and Mr. Oakes were in the field.

76. You said just now he asked you to vote for Mr. Brynes—did he also ask you if you would vote for Mr. Oakes? Yes.
77. *By Mr. Owen*: Mr. George Oakes was not present then? No
78. *By Mr. Jones*: Did Mr. George Oakes intimate to you that if you did not vote for him, or if you did vote for Mr. Pye, he would use any influence to deprive you of your situation? Not the least.

APPENDIX D.

William Grenleese called in, and, having been sworn, was examined:—

1. *By Mr. Holroyd*: You are a turnkey in Parramatta Gaol? Yes.
2. Were you a turnkey in Parramatta Gaol in the month of January last? Yes.
3. Do you recollect the election of two members for Parramatta in January last? Yes.
4. Do you know Mr. George Oakes, the sitting Member? Yes.
5. Did you see him at any time before the nomination? Yes.
6. How long before the nomination? One day—one Saturday.
7. Where? In the gaol yard.
8. Was any body with him? Yes.
9. Who? Mr. Francis Oakes.
10. Had you any conversation with Mr. George Oakes on that day? Yes.
11. Tell me what Mr. George Oakes said to you, and what you said to him? Mr. Oakes came to solicit my vote.
12. What did he say—tell us as nearly as you can the words you said to him, and what he said to you? He said, "I have come to solicit your vote, Mr. Grenleese." I said, "Mr. Oakes, I am sorry to say I cannot promise you, or I cannot put my name down till the day comes. I have made up my mind not to promise any gentleman till the day of polling comes, and then I will have full liberty to vote for who I please."
13. What did Mr. Oakes say then? He said, "I am a Government officer, and you had better vote for me and not for Mr. Pye, as he is not a Government officer."
14. Anything else? Yes; he said, "If you vote for Mr. Pye, against the Government you live on, and you are receiving a salary from"—he says, "you, being a Government officer, you had better give up your Government situation at once."
15. Was anything else said? "If you do not vote for me," he says, "do not vote against me." I still said I would not promise till the day of polling came, and then I would be at liberty to vote for who I pleased.
16. Did he say anything else? "If you do not vote for me, you had better lay neuter altogether."
17. Was anything else said? He went away at that.
18. Do you remember anything else being said? No, that was all that was said; I did not promise, and he went away.
19. You cannot recollect anything else? No.
20. Did he say he would recommend the Premier to dismiss you? No.
21. He did not say that? No.
22. *By Mr. Jones*: Did Mr. Oakes say anything that would lead you to believe that if you did not vote for him, or if you did not vote for Mr. Pye, he would use his influence in any way to deprive you of your situation? No.

APPENDIX E.

Mr. Thomas Allen called in, and, having been sworn, was examined:—

1. *By Mr. Holroyd*: You are Governor of the gaol at Parramatta? I am.
2. Do you recollect on the Saturday before the Parramatta Election,—the last General Election,—seeing Mr. Francis, and Mr. George Oakes in the gaol? I recollect they were there.
3. Did you hear Mr. George Oakes, the sitting Member, say anything on that day? I did.
4. Will you state what you heard him say, state the very words as nearly as you can? He went into the office and inquired of Mr. Ennis—his brother Francis was in with Mr. Ennis at the time—says his brother, Mr. Francis Oakes, "It's no use going in, Mr. Ennis will not vote for you." "Well," said he, "I'll try him at all events."
5. *By Mr. Weekes*: Mr. George Oakes said that? Yes.
6. *By Mr. Holroyd*: What else did you hear? He went inside. "Mr. Ennis I am come to to canvass your vote." "I cannot vote for you," says Mr. Ennis. "Who are you going to vote for?" said he. "I am going to vote for the Conservative Government," said Mr. Ennis. "Who do you call the Conservative Government?" says Mr. Oakes. "I call Donaldson's party;" says he, "Well then," says Mr. Oakes, "you are going to vote against the present Government—we are under Responsible Government, and you are getting your salary from the Government," said he, "and you ought not to vote against them."
7. Did Mr. Oakes say anything else? "I would sooner resign first"—or something to that effect—I could not be sure. "If it was my case I would sooner resign first."
8. Mr. Oakes said so? Yes. Mr. Oakes said, "If it was my case, I would sooner resign first."
9. Anything else? Not that I am aware of; not to my knowledge.
10. Did you hear any conversation between Mr. Oakes and any of the turnkeys? I went with him round, but I was not near enough to hear what passed between them. I could hear language,

- language, but I could not exactly hear the words. I went round with him, he asked me to go round with him and show him the turnkeys; I stood at a distance.
11. Did you hear what he said to any of the turnkeys? No, I could not say that I did.
 12. When he was talking to Mr. Ennis, and said he had better resign, did you say anything to Mr. Oakes about that? No.
 13. At that time did you say anything to Mr. Oakes? Not to my knowledge.
 14. Anything about popery? No.
 15. About he might as well dictate to you what church you should go to? Not a word of the kind; I did not make any comment at all.
 16. Do you know Mr. Brown? Yes.
 17. Mr. Harvey? Yes.
 18. Have you never told them that you told Mr. Oakes on that occasion it was worse than popery, and that Mr. Oakes might as well dictate to the turnkeys what church they should go to? Not to my knowledge.
 19. Did you never say so? Not to my knowledge.
 20. What do you mean by not to your knowledge—may you have said so? I might.
 21. You might have said so but cannot recollect? I might.
 22. *By Mr. Jamison:* You cannot recollect making any comments upon what Mr. Oakes and Mr. Ennis said? I might have done.
 23. You have no recollection of it? I have no recollection.
 24. *By the Chairman:* Did you hear Mr. George Oakes threaten to use his influence to have the turnkey Grenleese dismissed if he did not vote for him, Mr. George Oakes? Never.

APPENDIX F.

FRIDAY, 23 APRIL, 1858.

Present:—

Mr. Gordon,	Mr. Owen,
Mr. Hay,	Mr. Scott,
Mr. Jamison,	Mr. Weekes.
Mr. Jones,	

Mr. John Cahill called in, and, having been sworn, was examined:—

1. *By Mr. Holroyd:* You are turnkey in Parramatta Gaol? Yes.
2. And were so in the month of January last? Yes.
3. How long have you been a turnkey there? I have been going on seventeen years—the 1st of January last, 1842, exactly.
4. Were you an elector of Parramatta at the last General Election? I happened to be so, as a householder.
5. Do you recollect seeing Mr. George and Mr. Francis Oakes on the Saturday before the Election? Yes, I do.
6. Where? At the gate of Parramatta—the outer gate of Parramatta. I was gateman there at the time.
7. You are gatekeeper at the gaol at Parramatta, and were at that time? Yes; I have been some years.
8. Had you any conversation with Mr. George Oakes the sitting Member? Upon that occasion I had, so far as that he was talking to me and——
9. Just listen to me. Tell me what Mr. Oakes said to you, and what you said to Mr. Oakes? To the best of my recollection I will give it. Mr. Oakes wanted to ask me would I give him my vote. I said I was very sorry I could not, because at a former Election I had voted for Mr. Byrnes and Mr. Oakes, and I had pledged myself to vote for Mr. Pye on account of my saying that if ever he became a candidate for Parramatta I would vote for him.
10. You told Mr. Oakes so? Yes. So then I refused. Mr. Oakes said I was acting contrary; that I would get apt to be much to my injury, so far as being turnkey in the gaol, being a Government man I would not vote for him—that I ran a risk not voting for him.
11. *By Mr. Butler:* What paper have you got in your hand? The document I have in my hand of this affair altogether.
12. *By Mr. Holroyd:* Did you write it at the time? I wrote it myself.
13. At the time? I wrote a copy of it at the time.
14. Mr. Oakes said you ran a risk by not voting for him? Exactly; also he said he would write to Mr. Cooper about it, the present Minister of the day.
15. Mr. Cowper I suppose you mean? Mr. Cowper.
16. The present Minister of the day? Yes. I told him, Mr. Oakes, he might as well ask me to change my religion as to change my principles of conduct—that I was determined to vote for Mr. Pye, and would not vote for him.
17. Was anything else said by Mr. Oakes? He declined saying anything more to me about it.
18. He said he would write to Mr. Cowper about it? Yes; and he said the same at the gaol gate at Parramatta.
19. Was Mr. Cowper the Prime Minister at the time? Yes, as far as I can recollect from what I saw in the papers.
20. It was at the time of the January election? Yes, on the 16th January last the conversation passed; it was on Saturday afternoon.
21. *By Mr. Butler:* I think you said Mr. Francis Oakes was present at the time? He was.

22. Was Mr. Allen, the gaoler, present at the time? I think he was partly present at some of it, I am not sure whether he was at the whole of it.
23. What do you mean by "he was partly present"? I know he came up as far as the gates with Messrs. Oakes—Mr. George and Mr. Francis.
24. Then he was at the gate? He was at the gate, but whether he was—
25. I do not ask for any more—how close was he standing to you? I could not tell that.
26. Try to remember? I know Mr. Oakes—I dare say—is it Mr. Oakes you want to know about? He was standing by the gate—the width of the gate is not above 14 or 15 feet.
27. Try and remember how near Mr. Oakes was to you? Not above three or four yards.
28. Was he inside or outside the gate? Right upon the gate—the gate was open.
29. Where was Mr. Francis Oakes standing? Just as close as this gentleman now. (*Referring to a gentleman two or three feet distant.*)
30. Where was Mr. Allen standing? I could not tell you; I did not look after Mr. Allen; I think he was inside the iron gate.
31. You say he heard part of the conversation? I believe he did—I believe he might have heard it for what I know.
32. He was near enough to hear what was said? In fact, I never minded Mr. Allen at all. I was this way (*describing the position*) at the gate, and I talking to Mr. Francis Oakes and Mr. George Oakes at the outer gate.
33. You say you believe Mr. Allen heard part of it, can you undertake to say what part he heard? I could not, one syllable.
34. Was it the commencement or the ending of the conversation he heard? I do not believe the conversation lasted five minutes altogether.
35. Can you undertake to say whether it was the beginning or end of the conversation he heard? I know he was there at the beginning whatever—I know he came out at the gate at the time.
36. How is it you are so particular in saying he was present at only part of the conversation? He might have gone away at part of the conversation.
37. So *might* I if I had happened to be there—did he go away? He might.
38. How are you able to say that he was there during part of the conversation? I knew he was there; I saw him at the gate.
39. You said he was present at part of the conversation? I believe so.
40. Do you remember what particular part? I could not.
41. How is it you remember so particularly that he was not present at the whole? How could I say, for the man might have gone about his own business.
42. Will you swear that he was not present at the whole? I will not.
43. Will you swear that he was only present at a part? I know he was present at a part.
44. You say you will not swear he was present at the whole of it? I would not swear; I do not know whether he might have gone away.
45. Let me understand you—will you swear whether he was or was not present during the whole of the conversation? I will not.
46. Have you any knowledge at all on the subject? What subject?
47. Whether he was present at the whole of the conversation, or whether he was present at only a part? I know he came up to the gate with Mr. Oakes.
48. Answer my question. Have you any knowledge to enable you to swear whether he was or was not present at the whole conversation? I will not swear.
49. How came you to swear that he was present at only part of it? I did not—I said he was, partly.
50. Did you see him leave during the conversation? Who?
51. Mr. Allen? I do not recollect; he might have left unknown to me.
52. How came you to swear just now that he was partly present? Because I saw him come out of the gate at the time the conversation first commenced.
53. Is that your reason for swearing that he was partly present? Certainly it is.
54. About this memorandum I saw in your hand just now? Yes.
55. When did you take that down in writing? As far as my memory will lead me, it was even on yesterday I took it down.
56. Even on yesterday? Although I took it from an old memorandum.
57. *By Mr. Holroyd*: It is a copy of another? Yes, it is a copy of another one I took on the 21st or 22nd of January last, a little after the Election.
58. *By Mr. Butler*: How came you to take the first memorandum? I put it down. The circumstance was the day of the Election. I happened to complain to certain parties that I was afraid we should be dismissed in consequence of the reports of Mr. Oakes; however, I was determined to vote for so and so, and I would do so, as I had pledged.
59. Is that an answer to my question? Yes. How came I to take it down, you asked me, and that was my reason.
60. How came you to take down that memorandum—try to give me a direct answer? (*Mr. Holroyd objected to the question: objection overruled*)
61. When did you take that memorandum? I think it was some time about the 21st or 24th January—some time before the 25th.
62. At whose instance did you take down the memorandum? At my own wishes and pleasure; at all events, upon the other hand, I was trying to correct myself upon the circumstances.
63. You say, from your own knowledge you took this down? Yes.
64. For what purpose did you take it down? For what purpose—for fear of being dismissed from my situation, that I would want to know what I could recall to my mind and scuses upon it.
65. I think you went on to say you took it down on account of some conversation you had? Yes, there was conversation between myself and others.

66. Do you remember any of those persons? In fact, there were so many persons about the Court House that day—I dare say I told it to about twenty.
67. Can you remember any one of those persons? Yes; I remember talking to Mr. Allen about it; I remember talking at the time to some of our own turnkeys.
68. Do you remember any one else? Yes, to Mr. Brown; I told him about it the same day.
69. We have Mr. Allen and Mr. Brown; I want to know whether you will swear positively that you spoke to these two parties about it? Yes, I will.
70. We have something to fix you now? Yes.
71. On what did you take down this memorandum? On a piece of paper.
72. How came it that you have not brought that particular piece of paper here? I do not know—I do not know; I did not mind bringing it, but I am satisfied this is the same.
73. How came it you did not bring the original paper? I considered the writing was rather scribbled, and I did not like to bring it. I thought I could write a better hand.
74. You said you took a copy yesterday? Yes.
75. How came you to make a copy? Knowing I had a subpoena to this Committee I wanted to keep a copy for myself.
76. When did you get a subpoena? I believe it was—I think it was Monday last—I forget, really—I am not very certain about it—I think about Monday last.
77. You say that in consequence of getting a subpoena you took a copy, and you say you got a subpoena on Monday last, and it was on yesterday only you took a copy? I took one the day before, and I considered that badly wrote, and I considered I could write a better one in daylight.
78. Had you any conversation about this matter with any body? I had; with different of my own comrades, the turnkeys.
79. Any body else? I do not know any——
80. Have you to-day had any conversation about it? No further than saluting——
81. About this case—have you had any conversation—you are not such a simpleton, Mr. Cabill? Indeed I am not.
82. About this case, had you any conversation—you know what I mean—had you any conversation yesterday, or before coming here to-day, with any body? I was talking to Mr. Pye yesterday; I shewed him all I had to say about it; I shewed him this paper.
83. About what hour? About five o'clock in the evening, or afternoon. I even shewed him all I had to say about it.
84. Which Mr. Pye was it? The present James Pye—Mr. James Pye.
85. This gentleman? (*referring to the Petitioner.*) Yes.
86. Will you tell us what conversation you had? It was not Mr. James Pye, it was his son—I do not know his name—the eldest son—the man that has a patch on his cheek.
87. It would appear that you have a very bad memory.—Have you a good memory? I think I have, pretty good.
88. Why, you cannot remember whether it was this elderly gentleman or the young gentleman to whom you spoke? I will swear it was the younger man.
89. Just now you thought it was the elder man? It was Mr. Pye; I considered them alike to myself; one is master as well as the other.
90. You have been swearing on your oath that it was this gentleman; now again you swear it was his son; and, thirdly, you swear you have a good memory? I say yes.
91. As you happen to have such a good memory, will you first tell us at what hour you saw him? It was Pat Pye, I think, or James; I forget which.
92. At what hour yesterday was it? Half-past five.
93. As you say you have such a good memory, will you tell us in the very words, as near as you can recollect, what the conversation was? I met the young man about twenty yards from my house, on horseback; so he saluted me, and I saluted him. Said he, “I thought ‘you were in Sydney before now?’” I says, “No, I was not called upon to-day, and I ‘would be very glad if I was not called upon at all. All I have to say’”—pulling this very memorandum out of my pocket—“all I have to say is about that; if they were to examine ‘me this day seven years, I cannot extract more to the injury of Mr. Oakes.’” So he lit off his horse, and read it, and gave it to me again, and bid me “Good bye,” and I went home.
94. Now you say he came up and saluted you, and said he thought you were in Sydney, and said nothing more to you than that, and then without being asked a question you produced a paper and said, “This is all I have to say.” Did he ask you what you could say? He never did. I never heard nothing about the affair; so far as my opinion.
95. Did he ask what you could say here “to-morrow”? No, never a word.
96. That was all that took place? That was all that took place; we were not five minutes talking together.
97. Is your house near the gaol? It is about two or three hundred yards away.
98. He rode up to you? He was riding along the road by the Windsor Road; he was coming up from the Windsor side.
99. Which side does Mr. Pye live? I understand he lives at Parramatta sometimes.
100. Was it from the direction of Mr. Pye's? I believe Mr. Pye has several houses in that direction.
101. Do not you know what I mean? If I was put on my oath, I could not tell what house Mr. Pye lives in.
102. Do you think that for a great prize you could not find out the direction of Mr. Pye's house? Yes, if I wanted I could find it.
103. Do you know in which direction of the town Mr. Pye lives? He has several houses; he has houses in the town and houses out of the town, I believe.
104. The house he lives in? If I was put to my oath I could not tell the house he lives in; but it was not the direction of the house he lives in in town.

105. The house he lives in in town? It was not that direction he was coming from; but the Windsor side he was coming.
106. Was it from the house he lives in out of town? I could not say.
107. He met you accidentally? Quite accidentally.
108. That is all he said to you? Yes.
109. Where did he go to then? I am sure I could not tell you where a young man goes from morning till night, and from night to morning.
110. That was yesterday? Yes.
111. Now, to-day have you had any conversation? With my friends, I have had different conversations.
112. About the evidence you could give here to-day? I had no conversation about the case in life—I was talking to a daughter of my own—I was talking to various acquaintances—Bless my soul don't be ——
113. Were you talking to Mr. Pye? Yes. I was talking—there was not a subject of any kind between us,—not a syllable further than this, that we talked to one another—no more.
114. Did Mr. Pye ask you about what evidence you could give? Indeed he did not a word—I even wanted him to —— Under the circumstances there was not a word of the kind.
115. Do tell us what you were going to say? Ask me a question.
116. Do say what you were going to say? Indeed I will not say, unless I am obliged to say.
117. I will oblige you to say what you were going to say? Well, I was going to say I wanted him to have a nobbler of brandy, and he would not take it.
118. Is that a matter of such consequence that you would not say it unless your were obliged to say it? Yes.
119. *By Mr. Holroyd:* Do you know where Mr. Pye's farm is on the Windsor Road, near the Rocks? I do, very well.
120. You say Mr. Pye, junr., was coming from the direction of the Windsor Road? Yes.
121. Was he also coming from the direction of that farm? Yes; I saw him coming down through the town, as I was turning the gaol road; I was going home with a basket in my hand, and my little rations in it.
122. He was going into the town, and you met? Yes—the Windsor side.
123. Though you do not know the street where Mr. Pye lives? I know about where the direction is that he is in.
124. He was going in the direction of his father's house? Of course he was; he was going to town.
125. Mr. Pye lives in the town? I declare I could not tell you; I hear he had a house built in the outer part of the bush.
126. He has one house out there—his son was coming from the direction of the Windsor Road where his father lives; he was coming in on horseback, and you met him accidentally? Yes.
127. I think you said you cannot say whether Mr. Allen was near enough to hear any part of the conversation? I believe he was near enough to hear something.
128. Not all? I could not tell you; I was taken up with the conversation.
129. You believe Mr. Allen might have heard the conversation—are you satisfied that he did hear it? I believe he heard some of it.
130. You do not know whether he heard all? I could not say.
131. *By Mr. Owen:* You said that you spoke to Mr. Allen about this conversation? Yes, I was talking to him about it.
132. Did you not also say that you spoke to some turnkeys? Yes, often.
133. Which? In fact there are so many of them that I could not say which.
134. How many were there? There was three altogether.
135. Do not you recollect any one of them you mentioned it to? I do, very well.
136. Just mention one? I could not—what do you want me to mention about?
137. The conversation that took place at the gate? I do not know whether there was any turnkey present at the time, for they were all down at their duties.
138. You said you spoke to Mr. Allen, and some of your acquaintances, and some of the turnkeys about this? Yes.
139. Cannot you recollect one? Probably I spoke to the whole of them.
140. You cannot state one? They could state every one was in at the time.
141. Did you not speak to one? Mr. Hiney—I believe I spoke to him about it, to Mr. McGuinness, and Mr. Grenleese about it.
142. Did you tell them that Mr. Oakes said that he would write to the Colonial Secretary, Mr. Cowper? I did, of course. Mr. Ennis, of course. When talking about things of that kind, don't you blame them, when talking together to express their minds upon it.
143. You spoke about this conversation? Yes, I often spoke about it.
144. You said, Mr. Oakes said if you did not vote for him he would write to the Colonial Secretary? Yes.
145. You mentioned this conversation to these parties? Yes.
146. *By Mr. Gordon:* Did you tell Mr. Allen, the gaoler, the threat Mr Oakes had made to you? I think I did; I am not satisfied—in fact I believe there is hardly a man in the prison that I did not tell it to. In fact I was mostly shy. I was within one of breaking my pledge when I went to the poll.
147. What was the threat Mr. Oakes held out? That I was a Government man, and should vote for him.
148. Did he say that? He did, and then when I declined doing it, he said he would write to Mr. Cowper about it.
149. *By Mr. Butler:* You were within one of breaking your pledge? Yes; and I believe two of them broke through their pledge in consequence; for I know two of them promised

- to vote for Mr. Pye, and afterwards I know they declined to do so, and voted for Mr. Oakes.
150. *By the Chairman*: For whom did you vote? For Mr. Byrnes and Pye at that Election, and for Mr. Oakes and Mr. Byrnes at the former Election.
151. *By Mr. Gordon*: Is this your writing (*referring to a memorandum*)? Yes.
152. What is the date of it? I cannot recollect the date of it.
153. Is it dated? Yes, I believe it was dated for yesterday.
154. Why was it dated yesterday, if it were a copy of what you had taken down before? Yes, it was a copy from the 16th of January.
155. Why not put the date? Because I wrote it on the 21st; it was a copy from what I took down on the 16th, from a memorandum that I made during the Election.
156. Is this a copy of what you took at the time you have been speaking of—is it the same? It is, as near as a pip.
157. *By Mr. Owen*: The body of it is word for word? Word for word.
158. *By Mr. Gordon*: What was the date of the first memorandum in January? I forget, but I know the words passed on the 16th of January.
159. Why have you headed this the "21st April," if it is a copy? Because that day I wrote the memorandum I expected to be called.
160. *By Mr. Butler*: You say you were talking to Mr. Pye to-day—who were present at the time? A good many people.
161. Who were present? Mr. Staff was present, and Mr. Brown, I believe, was present at the office of the attorney.
162. Was anybody else? Yes, I was called in there.
163. That was in Mr. Rowley's office, I believe? Yes, I think his name was Rowley.
164. You say Mr. Staff and Mr. Brown were present? Yes; I think Mr. Pye himself stopped for a while.
165. Was there any body else? A couple of gentlemen walked in and out.
166. Was there any other person you know from Parramatta—any turnkey? Not one.
167. This was in the office of the attorney that you were present with Mr. Pye? Yes, I was with him there; I met him in the street afterwards.
168. You still swear that nothing was said on that occasion about what evidence you could give? Not a syllable; they had a copy of that already from me.
169. Tell me, how did you happen to go to the office of the attorney? I was ordered there by Mr. Staff; I met them in the street, and they told me where I should meet them; they said at the office in Elizabeth-street.
170. Was the attorney present? I do not know.
171. Was there any one in the office that spoke to you about the case? Not any one, to my knowledge.
172. You said something but now about its being all written out for you? No; I said they took a copy from me.
173. Who took the copy? I gave it to Mr. Staff.
174. You never saw the attorney there? Not to my knowledge; I should not know him; I should know you to-morrow if I saw you.
175. Did you see any one in the office that put questions to you? Not one.
176. *By Mr. Hobroyd*: All you did was to hand in this paper at the time to a clerk in Mr. Rowley's office? I will tell you how it happened. Coming into town I met Mr. Staff, and I afterwards met them at the corner of Castlereagh-street; I said I wanted to go down the town to see so and so, and then I gave Mr. Staff that copy.
177. *By Mr. Butler*: Had you any conversation with Mr. Staff about what you could prove to-day? Mr. Staff had that paper in his possession.
178. Had you any conversation to-day with him? Not a word.
179. Did you come down from Parramatta with him? I do not know whether he was in the train with me, but I met him in the 'bus to-day.
180. Will you answer my question—did you or did you not come in the same carriage? I could not swear—I never saw Mr. Staff or Mr. Pye till they dropped us out of the train.
181. Were you not in the same carriage coming down? No, I was not.
182. Where did you meet them? Just coming out of the terminus from the train.
183. How did you proceed? I came in a 'bus to Pitt-street, and paid my own fare too—I paid sixpence.
184. Did you go direct then to the attorney's office? No, I did not.
185. Where did you go? I went to see a daughter of mine in King-street.
186. All this time you had no conversation with Mr. Staff or Mr. Pye—? Concerning any affair of any evidence I would give here—I had not.
187. Listen to me—during yesterday or to-day, have you not spoken with Mr. Staff, or Mr. Pye, or anybody else about this business? Not with Mr. Staff or Mr. Pye.
188. With anybody? I might have talked to fifty about it.
189. I ask you, did you? I am satisfied I did.
190. Could you name any one? No one in particular.
191. *By Mr. Hobroyd*: At all events, you say you met Mr. Staff in the street, and gave him your copy, he got it copied, and gave it back? Yes; he said he would get it copied at the attorney's office.
192. That is all that took place between you? Yes
193. *By Mr. Owen*: When did you take this memorandum first? Well, I could not tell you—some few days after the Election, between that and the latter end of the week; I know it was some time in the month of January.
194. Who was present when you wrote it? Nobody was present when I wrote it. I wrote it in my own house; but the first copy that was wrote there was people present.
195. Who were present? I think I know—Mr. Brown was there, I know that; Mr. —, that man that keeps the public house, Mr. Pye—

196. *By Mr. Holroyd*: M'Roberts? M'Roberts.
197. *By Mr. Owen*: They were at your house? Yes.
198. Any more? No, unless my wife; but she knew nothing about it.
199. Did you write it at all at any one's suggestion or on your own? I wrote that without a soul being present but myself.
200. Did I understand you to say that you wrote the first copy—this which you made in January in your own house was made when M'Roberts and Mr. Brown were present? They were.
201. Is that word for word? Indeed I think it is as nearly——
202. I do not ask you whether it was *nearly*, but whether it was word for word? I could not say, in fact there ought to be more words put in it, for what I——
203. Did Mr. Brown say anything about the memorandum when you had written it—did you show it to him? Yes; he knew it very well; he has seen it since.
204. At the time did you shew it to him—had you any conversation with him as to what would be the effect, what would be the use of it? Yes; he said it would be of use to me; I might lose my situation—why not keep a memorandum.
205. Is that memorandum in existence yet? Which?
206. The first? I cannot tell you that.
207. You cannot swear that? It might be among my old papers.
208. Do you remember destroying it—did you destroy it? Not to my knowledge; I know I mislaid it somewhere.
209. When did you mislay it? Very probably a month ago.
210. When was the copy made that you copied this from—the third copy? It was my memory of the former I copied that from; it was much the same.
211. When did you exercise your memory to make that first copy as you call it? Exercise my memory! I had another copy besides that, that I exercised myself to.
212. What other copy? I wrote it myself. I considered that too much of a scribble, and wrote that the other day.
213. Listen to me? Well, Sir, I will.
214. You said you lost the first memorandum? I do not know anything about it; I do not recollect.
215. You have said you exercised your memory in making a copy from which that was taken? Yes, I did.
216. Not from a memorandum, but from your memory? Yes.
217. When was that? Where was that?
218. When did you exercise your memory to make the first copy? The latter end of January.
219. I am not speaking of the memorandum, but what you copied that (*the paper on the table*) from? I believe the day before I was to come here I copied that one from one I made about a month ago. When I saw in the papers the petition was to be laid before the Committee of the House on account of Mr. Pye's and Mr. Oakes' affair, "Well," says I, "I shall jog my memory upon this point"; then I recollected all the circumstances, that is all I know.
220. You wrote out the memorandum in March, about a month ago? The latter end; the time when the papers notified that was the first day that Mr. Pye laid the petition against Mr. Oakes.
221. You said that was about a month ago? I think it was.
222. You wrote then the copy from which you drew this, not from your first memorandum, but from memory? Not from the first memorandum, but it is the very same; on my oath I do not think there is any difference.
223. *By Mr. Hay*: Can you tell us how many copies of this you made altogether? I believe that is the second,—the third I ever made.
224. Does that include the original memorandum—did you make two or three copies besides the original memorandum? There were only two besides the original memorandum.
225. When you made the original memorandum, was any one present? Not one.
226. When you made the first copy was any one present? Yes; one copy was wrote by Mr. Brown and so and so, but then I wrote it myself after that; he took it down.
227. That was taken down not from the original memorandum? It was from my proper memory—from the knowledge I knew of the case. There was nothing in it but what was equal to the act.
228. That was taken down by Brown? That was taken down by Mr. Brown.
229. You had made a memorandum yourself? Not before that.
230. That was the first memorandum? Yes.
231. What became of that? (*The witness here appeared to be searching his pockets.*)
232. *By Mr. Owen*: You were going to take something out of your pocket, what was that? I thought I might have pieces of the memorandum I got the other day.
233. Try if you have got it? I have not.
234. *By Mr. Hay*: How many copies? One and that (*referring to the paper on the table.*)
235. One you made before that, have you got that now? No, I have not; I thought I might have it.
236. What you copied that from? Yes.
237. *By Mr. Owen*: I think you have it? (*The Witness searched his pockets.*) No, I have not.
238. *By Mr. Hay*: What did you take that from? I took it from the original copy that was made between Mr. Brown and myself.
239. Did you then tear up the copy made by Mr. Brown? I do not know—I know it was since that circumstance occurred that I mentioned it—that I wrote out a copy a month or five weeks ago, when I heard the circumstance occurred.

240. *By Mr. Butler* : Was that Mr. Brown the Sheriff's Bailiff? Yes.
241. *By the Chairman* : You said that Mr. George Oakes threatened to write to Mr. Cowper if you did not vote for him? He told me he would write to Mr. Cowper.
242. Did you then reply, and say he might as well ask you to change your religion as to vote against your conscience? Yes, I said the same words.
243. Was Mr. Allen present at that time? I do not know, for my face was this way, towards the outward gate, and he was towards the inward gate—whether he went away I could not swear.
244. How far was Mr. Allen away? Only the width of this room—between the two gates—Mr. Allen was in this gate (*describing the position*) and Mr. Oakes here, and Mr. Oakes' brother near to myself, talking to me.
245. Could Mr. Allen have heard your remark to Mr. George Oakes about changing your religion? He might.
246. He was near enough to hear it? If he was in the place—if he stopped there—but I could not say whether he did or not. I know I even told other people besides.
247. *By Mr. Gordon* : The first copy you took from Mr. Brown's? Yes.
248. And this copy (*the paper on the table*) you took from that copy? I took it from my own again.
249. Then did Mr. Brown write the first copy of this in your house? I am not sure whether it was in my house or not—I think we were down—I think he wrote it in my house first, and he did not approve of it, and then he wrote it again.
250. Who was present with you and Mr. Brown at the time? I tell you, Mr. M'Roberts.
251. Then the first copy Mr. Brown took down he did not approve of, and this was re-written; I approved of it very well, but I preferred my own writing; it was scribbling, though my own writing is bad enough.
252. *By Mr. Hay* : Were there two copies written by Mr. Brown? No, only one copy—he might have wrote two for what I know—I only saw one of them.
253. You did not approve of the first? I did not.
254. You kept it? Yes; I wrote a copy of it afterwards; I did not approve of the writing the way it was scribbled.
255. *By Mr. Jones* : Why did Mr. Oakes say to you that he would write to Mr. Cowper? I believe because I would not volunteer to vote for him.
256. Did he say to what effect he would write to Mr. Cowper? No, he did not.
257. Did he say he would write to Mr. Cowper to advise him to dismiss you from your office if you did not vote for him? He did not.
258. Did he say anything to lead you to suppose that if you did not vote for him he would write to recommend your dismissal from office? No; but he said I stood in a very great chance like, or risk like, in not voting for him, as he voted himself for the Government, and I was a Government man myself. I said I would not vote for him, and as for Government affairs I did not know; and I said what I told you before, that I had pledged myself to vote for Mr. Pye. "Well," he said, "I will write to Mr. Cowper about it."
259. Did he say to what effect he would write to Mr. Cowper? No.
260. Immediately after this conversation with Mr. Oakes, when Mr. Oakes left the gaol, did you think if you did not vote for him, or if you voted for Mr. Pye, he would take steps that would lead to your dismissal? I was very shy about this affair; afterwards I took courage, and stood to my bargain.
261. When Mr. Oakes left you did you believe that if you did not vote for Mr. Oakes, or if you voted for Mr. Pye, Mr. Oakes would take steps to have you removed from your situation? My belief was that he would.
262. From what he had said to you? Yes.
263. He did not say to you that he would write to Mr. Cowper to procure your dismission? No, not a word.
264. He simply said he would write to Mr. Cowper? Yes.
265. *By Mr. Hay* : Did Mr. Oakes say he would write to Mr. Cowper immediately after having said you ran a risk by voting against him? Yes. I refused him; and he said he would write to Mr. Cowper for not voting for him, but what his intention was at the time I believe was in order to procure my dismission from my situation, which I have been holding these last seventeen years.
266. You believed at the time that he meant to write to Mr. Cowper to procure your dismission? Yes, I did—that he meant to get my dismission the best way he could—I took his threats to that effect.
267. *Mr. Weekes* : Will you state the position of parties under the gateway when the conversation took place—which Mr. Oakes was close to you? Mr. Francis.
268. How far was Mr. George Oakes? About half way from here to the press (*referring to a press in the room*.)
269. Was Mr. Allen close to Mr. Oakes? He might be in the rear of him.
270. Did you see Mr. Allen there? Yes.
271. Did you see him near Mr. George Oakes? No, at the time I was talking to Mr. Oakes —
272. Talking to which Mr. Oakes? Talking to both the Messrs. Oakes.
273. You describe Mr. Francis Oakes as being close to you? Next to me.
276. Was he talking to you? He was, at different times.
275. Did he, George Oakes, come up to you or stand more distant? He was standing near the gate.
276. *By Mr. Owen* : Are you a turnkey now? Yes—at least not at present, because I am here—I hold the office; I am not dismissed at present.
277. *By Mr. Weekes* : You have said you distinctly recollect telling Mr. Hiney, Mr. M'Guinness, Mr. Grenleese, and Mr. Ennis, that Mr. George Oakes said he would write to

Mr. Cowper? Yes, I believe so; I cannot recollect all these things. I am sure I told them of that. There is Harry, one of the turnkeys.

278. And you believe you told Mr. Allen? Yes, I believe I did.

279. Are you sure you did? I am not quite sure; because, in fact, I keep Mr. Allen in his own place, and stop in my own place. I do not wish to say anything about Mr. Allen; he is my governor, and I did not wish to tell any stories to him; he is not the sort of man; he might pass the time of day to me or he might not.

280. You are not upon the same terms of familiarity with him as with the turnkeys? No, I am not; why should I be so.

281. *By the Chairman:* This is the memorandum you have alluded to in your evidence? Yes.

282. It is your writing? Yes.

283. You now hand it in? I have no objection. (*The memorandum was handed in, and marked by the Chairman*)

APPENDIX G.

Mr. James Galloway called in, and, having been sworn, was examined:—

1. *By Mr. Holroyd:* You live in Parramatta? I do.
2. And I believe you were an elector at the last Election for the Borough of Parramatta? I was.
3. Do you know Mr. George Oakes, the sitting Member? I do.
4. Before the Election had you any conversation with him? A few days before the Election Mr. Oakes met me in Macquarie-street, and applied to me for my vote. I told Mr. Oakes I intended to support Mr. Pye. He told me I had two votes, and I could give one to him and one to Mr. Pye. I told him I meant to support Mr. Pye.
5. Do you remember the morning of the polling, Tuesday, the 19th of January? I do.
6. Before the polling, at any time of the day, did you see Mr. George Oakes, the sitting Member? I was near the Court House a quarter before nine in the morning, and I saw a man of the name of Hyder.
7. Was he a voter? He was.
8. He was on the roll? Yes; and I canvassed him a few days previous to that for his vote for Mr. Pye, and he promised me his vote for Mr. Pye. I saw him some distance from me, and called out, "Halloo, Hyder!"
9. Where was he? Near Mr. Oakes' table.
10. Where they filled up the polling-papers afterwards? Yes. I called out, "Halloo, Hyder!"
11. About the time you said "Halloo, Hyder!" the poll was not commenced? No; it wanted about a quarter to nine.
12. And the polling commenced at nine? Yes.
13. When you called out "Halloo, Hyder!" did you see Mr. George Oakes? He was very near me.
14. How far? Within a yard or two.
15. Did he say or do anything? He turned round immediately, put his fist near my face, shook it, and said, "If I catch you interfering at this Election to-day, I will give you what you have been a long time looking for."
16. Did he say anything else at that time? Nothing else at the time. A few minutes after that I addressed myself to Hyder again, for the purpose of getting a voting paper filled up; Mr. Oakes again shook his fist in my face, and said, "I will tell you, if I find you interfering at this Election I will get you a good hiding, and a good ducking in the bargain—we are ready for you to-day."
17. Do you know John Brown, the Sheriff's Bailiff? I do.
18. Was he near you at the time? I saw him a few yards from me.
19. At this time? Yes.
20. Did you see Mr. Pye, the other candidate, about that time? Mr. Pye came across to me in the yard, and asked me what the matter was.
21. What had become of Mr. Oakes then? He was very near me.
22. Could he hear what Mr. Pye said? Yes, I should say so.
23. What did Mr. Pye say? He asked me what was the matter, and I told Mr. Pye Mr. Oakes was going to get me a good hiding and a good ducking if I interfered in this Election.
24. Did Mr. Oakes say anything to that? He did not.
25. Did you vote that day? I did.
26. About what time did you vote? Very shortly after the Court opened.
27. After the poll opened? Yes.
28. A little after nine? Yes.
29. Had you any duties assigned to you that day? I was appointed a scrutineer by Mr. Pye to put the usual questions.
30. Did you stop in the Court House as scrutineer the whole of the time? I did not.
31. How long did you remain? Till just after one o'clock.
32. Did the poll go on quietly at that time, or was there any disturbance? There was a great deal of confusion till when Simon and Teasdale came in with large cornstalks.
33. That was about one o'clock? Yes.
34. After they came in with the cornstalks, did you remain there? I did.
35. How long? About an hour.
36. Then, for some reason, you went away? I did.
37. You went away shortly after one o'clock? Yes.
38. And did not return again? I did not.
39. You say Mr. George Oakes put his fist in your face and shook it? Yes.

40. How near? Almost within an inch of it.
41. How near was he? Near enough to strike me if he was so inclined.
42. And he made use of the expressions you have already stated? He did.
43. *By Mr. Jones*: At the time you first spoke to Hyder, where was he at the time you saluted him? Inside the Court yard,—between the Court House door and the railings of the Court House.
44. Near to whom? Near to Mr. Oakes' table.
45. When you called to him the second time, where was he? In the same place.
46. What was he doing? Nothing; standing quite unconcerned.
47. On both occasions? On both occasions.
48. Do you know whom Hyder voted for? I believe for Mr. Oakes and Mr. Pye.
49. What did you understand him to mean by "interfering in the Election"? Well, I think he meant to frighten me out of the field for giving my vote to Mr. Pye, or taking the part I usually had done in case of Elections.
50. Did you understand him to mean by "interfering" that if you voted against him at the Election he would get you a good hiding? That was my impression.
51. When he spoke to you it was on the occasion of your calling this man Hyder? Yes, whom I had canvassed at his house, and who had promised me to vote for Mr. Pye.
52. How could you understand that Mr. Oakes should have reference to your voting at the Election if it was on the occasion of your calling Hyder to influence his vote? There was a person of the name of Mr. Brown, who had taken an active part in the Election, along with me, and he was prevented from attending to act for Mr. Pye; that altered his position; and I thought if Mr. Oakes got rid of me he would have it all his own way.
53. That is, if he got rid of you, you would not be able to influence the voters? Yes.
54. Consequently the "interference" referred to your interference with other persons as they came to give their votes? What I understood was, to use my influence with many persons to record their votes for Mr. Pye.
55. By "interference" you think he meant you were using your influence on persons as they came to vote? That was my impression.
56. Was it your impression that Mr. Oakes would try to get you a good hiding or a ducking if you voted? If I took the part I had usually done; because I had always taken an active part in elections for some years.
57. You say if you did, as you had usually done, taken an active part in the Election—that was what you understood him to mean by "interference"? I did.
58. *By Mr. Owen*: Did Mr. Oakes know you were an active partisan of Mr. Pye? Yes.
59. And he saw you at work? He saw me canvassing for Mr. Pye.
60. This was Mr. Oakes' table you were at? This man was near the table.
61. This took place near the table? I was speaking to the man whom I had canvassed myself, and who had promised me to vote for Mr. Pye.
62. *By Mr. Jones*: Did you understand Mr. Oakes' threat to apply to your own vote? No, not for Mr. Oakes to get my own vote.
63. Did you understand Mr. Oakes' threat to apply to your own vote, if you voted for Mr. Pye? I was under that impression—to prevent me from voting for Mr. Pye.
64. Your impression is that, besides referring to your interfering with other electors, his threat applied to your voting for Mr. Pye? It was.
65. Did Mr. Oakes at any other time during the day use any threat to you, except at this time, when you were calling over Hyder from standing at his table? He did not; for I recorded my vote as early as possible.
66. Had you recorded your vote before the second time you spoke of? No.
67. The voting had not then commenced? The voting had not commenced.
68. He did not threaten you except when you were calling over Hyder? He did not.
69. *By the Chairman*: Were you acting as poll-clerk? No.
70. As scrutineer? Yes.
71. Had you a written authority from Mr. Pye to act as his scrutineer? I had.
72. *By Mr. Owen*: You said that Mr. Oakes said to you, if you interfered in the Election you would get a good hiding? With this Election—
73. "If you interfere"? Yes, "if you interfere with this Election to-day."
74. Did he say anything but the word "interfere"? He did not.
75. Did he say, "If you vote for Mr. Pye I will get you a ducking"? He did not.
76. The word "interfere" was used when you were addressing Hyder? When I addressed Mr. Hyder.
77. *By Mr. Gordon*: Party spirit generally runs pretty strong at Parramatta? It has upon some occasions.
78. At Elections, generally, is it not the case? Yes.
79. *By Mr. Hay*: May I ask you why, acting as scrutineer for Mr. Pye, you left at one o'clock? After the men came with cornstalks they struck many persons after they voted. Mr. Oakes gave them a bottle of ale or porter; I believe it was ale, and they drank the ale. There was some altercation took place in the Court before 1 o'clock, and my name was loudly called for. I thought, perhaps, Mr. Oakes' threat was going to be carried out, so I left the Court, and went to the watch-house, where I remained some time, and then I went home.
80. Do I understand that you left lest Mr. Oakes' threats should be carried into execution? Yes, that was what I left for.
81. *By Mr. Weekes*: You thought the ducking was likely to come on? The ducking, or good hiding.
82. Did you see Mr. Oakes bring the ale? I saw him take it out of a basket; I believe it was ale.
83. Was that during the progress of the Election, previous to four o'clock? This was between twelve and one o'clock.

84. *By Mr. Hay* : What class of voters seemed to have these cornstalks applied to them? They were not voters.
85. Against which class did they use these cornstalks, or was there any distinction? Against Mr. Pye generally.
86. Do you mean to say that they were applied to Mr. Oakes' voters? No, they were not struck, but they were waved over them in this way (*describing the action.*)
87. Were any of Mr. Pye's voters struck with the cornstalks? Yes, many of them.
88. This was during the time the poll was open? Yes.
89. And in the Court House where the poll was taken? Yes.
90. Did any one act as scrutineer for Mr. Pye? Yes, Mr. Staff; I believe he left shortly after.
91. You did not leave any one in your place? No.
92. *By Mr. Gordon* : Was there any scrutineer besides you? Yes, Mr. Staff.
93. Did he remain all day? No, he did not; he went away shortly after me.
94. *By Mr. Jamison* : I understand you to say that this cornstalk riot began about one, and you did not leave till near two? The cornstalk riot began about twelve, and I remained till nearly one.
95. You say you left in consequence of the threats held out by Mr. Oakes? My name was loudly called for—"Where is Galloway!" "Where is Galloway!" I took my hat, ran to the watch-house, remained there some time, and then went home by the back way of the Court House.
96. *By Mr. Gordon* : There was considerable disturbance in the Court House? There was.
97. By the supporters of both parties? I do not know.
98. *By Mr. Owen* : Was there a general row? There was a general rush.
99. *By Mr. Jamison* : Did you not leave in consequence of thinking at two o'clock the Election was decided? No, I did not; I left supposing I was going to receive what I was promised.
100. *By the Chairman* : Was not the ale accompanied by sandwiches? I could not say. I saw the ale handed to the people with cornstalks by Mr. Oakes.
101. Was Mr. Pye offered any of it? Not in my presence.
102. *By Mr. Owen* : Were any of Mr. Pye's friends or clerks? I did not see them.
103. *By the Chairman* : Was Mr. Plunkett offered any? He was in there.
104. Was he offered any? Not what was given to Simon and Teasdale; not part of that bottle.
105. *By Mr. Owen* : Was any given to him? Not in my presence.
106. *By Mr. Jones* : Did Hyder come over to you when you called for him? He did not.
107. Did you say anything to him? Nothing more than called his name.
108. Not upon either occasion? Not upon either occasion.
109. He did not come to you? He did not.
110. What was it your intention to call him over for? As he had promised to vote for Mr. Pye, to get a paper filled up for him to vote for Mr. Pye.
111. *By Mr. Jamison* : What inference did you draw from his not coming when you called him? I could not tell.

APPENDIX H.

Mr. John Brown called in, and, having been sworn, was examined:—

1. *By Mr. Hobroyd* : You are Sheriff's Bailiff at Parramatta? Yes.
2. Were you an elector of Parramatta at the last General Election, in January? Yes.
3. Do you recollect the morning of polling, Tuesday the 19th January? I do.
4. Do you recollect seeing Mr. Oakes and Galloway together in the morning before the poll was opened? Yes.
5. How long before the poll opened was it you saw them together? It was twenty minutes before nine when I passed St. John's Church, and it took me perhaps about two minutes to walk to where I saw them.
6. From twenty minutes to a quarter to nine? Yes.
7. At what time did the poll open? At nine o'clock.
8. What you are about to state was before the opening of the poll? It was before the opening of the poll.
9. You say you saw Mr. Galloway and Mr. Oakes near each other? Yes, I do.
10. What was the first thing you heard? The first thing I heard was Mr. Galloway calling out to a man who stood at Mr. Oakes' polling table—"Halloo, Hyder!" This man, I have heard, promised Mr. Galloway to vote for Mr. Pye, sometime before. Mr. Galloway was standing about two yards from the kerb stone, in the street, and Mr. Oakes a few yards from it. As soon as Mr. Galloway called out, Mr. Oakes went up to him, shook his clenched fist in his face, and said, "If you attempt to interfere in the Election this day I will get you what you have been a long while looking for. I will let you see we are ready for you to-day."
11. What did you do then? I went to the Australian Arms, where I saw Mr. Pye on the verandah.
12. And then, I believe, he went across? I told him he had better go or send some person to protect his friend Galloway, who was going to get a thrashing. He went that way, and I went on my business.
13. Did you vote that day? I did.
14. At what o'clock? About two.
15. Whom did you vote for? For Mr. Pye.
16. Had you been in the Court House before that morning? No, I had not.

17. Did you see Mr. Galloway, when you voted, in the Court House? He was not there when I voted—or I did not see him if he was.
18. Did you see any scrutineer on the part of Mr. Pye at that time? I saw Mr. Jenner sitting there, and I think Mr. Gould, the solicitor. I believe Mr. Jenner was an elector.
19. Did you receive, before the Election, any letter from Mr. Brennan, the Sheriff? (*Mr. Butler objected to the question. Objection reserved.*)
20. Did you receive a letter from Mr. Brennan, the Sheriff of New South Wales? I did.
21. Have you that letter? I have. (*The witness produced the same, which was handed in and marked by the Chairman.*)
22. What is the date of it? I think it is dated 14th January.
23. You received that from Mr. Brennan? Yes.
24. Had you canvassed any Parramatta voters in Sydney at that time? Not one.
25. Have you neglected your duties at Parramatta to canvass voters at Parramatta? No, I have not, and that the Sheriff is aware of.
26. *By Mr. Butler:* Who were present at the time you heard Mr. Oakes make use of the language you have just stated? I did not see any person immediately present. Mr. Galloway stood in the position I told the Committee, and Mr. Oakes was a few yards—perhaps six or seven yards—from him, and I was advancing past the Court House at the time.
27. Was there a crowd there? No.
28. Nobody, only the few people you have mentioned? There were two or three boys, and the Polling Clerk inside the table.
29. When you went to Mr. Pye, and told him to save Mr. Galloway from getting a thrashing, was it because you thought Mr. Oakes was going to thrash him? I did not know what to think. Mr. Oakes was speaking at the top of his voice, and that soon causes a crowd in a street. I thought Mr. Oakes might gather a crowd; or, if Mr. Oakes struck Mr. Galloway, I thought he might retaliate.
30. You know John Cahill, the turnkey? I do.
31. Do you know anything about a memorandum, or the copy of a memorandum? Upon what subject?
32. Upon the subject of the Election—any subject relating to the Election? I do.
33. Tell us all you know of it; tell us first when you first knew of it? On the evening, I think, of Saturday, the 16th, (that was the day previous to the Election,) myself and two or three other parties were waiting for letters near the Post Office, when a Scotchman, (Mr. Guinness) came up and said, “Mr. Brown, we have come to a pretty pass.” “Why, what is the matter?” said I. “Oh, matter,” said he, “we are threatened by Mr. Oakes, over at the gaol, that if they do not vote for him they will be turned out.”
34. I asked you about this man Cahill? You told me to tell you all about this matter.
35. I asked you when you first knew about this memorandum? I cannot tell the date. When this was publicly known, Mr. Pye asked me if I would get a written statement as to the threats made to the turnkeys.
36. Before you travel farther, try to fix the date—about when? I would say it would be, perhaps, from seven to ten days after the Election; I think it was between that time.
37. About the memorandum? I wrote a statement for Mr. Pye, of which Mr. Cahill gave me the words, and I wrote it. Cahill was not content with what I wrote, but made an addition to it. I think he added to it, in his own writing,—“The above intimidation took place between myself and Mr. Oakes on the 16th instant;” and I think he added,—“I can prove more than that.” If he did not write these words, he repeated these words; I will not be certain whether they were written or not in the latter part of the letter.
38. Did you see any other written memorandum at the time? I did not.
39. You came up to him—what did you say to him—try to repeat it as near as you can? I asked him if he would give me a statement of the threats Mr. Oakes made use of in writing, and he said yes he would do so. I do not think there was pen and ink in his house, and, therefore, we went to Mr. Lackey’s, and we wrote it there.
40. Who was present? Mr. McRoberts was present, and Mr. Lackey was occasionally in and out.
41. Then it was not in his own house it was done? No.
42. You did nothing more than act as amanuensis on the occasion—you wrote down what was told you? That was all I did.
43. You suggested nothing? I did not.
44. You merely took down what he said? That was all.
45. Had you any conversation with him besides merely taking down his statement? Nothing more than other men could prove the same as he could do.
46. And you said nothing more about the matter—you merely took down his statement in writing? That was all. I think I asked him before I commenced to tell me word for word, and he said he would, as near as he could.
47. You had no further conversation? No.
48. Did you tell him what your object was? It was for Mr. Pye I told him.
49. Did you tell him what use was intended to be made of it? Yes, I think I told him that.
50. What use did you tell him? That Mr. Pye would petition against the election, on account of the intimidation that had been used.
51. You told him first of all that your object was to find out whether any intimidation had been used towards him? I told him my object was to take his statement for Mr. Pye.
52. Did you tell him what the grounds of the petition were to be? I told him the intimidation that was made use of to the men in the gaol.
53. Did you say anything about the kind of intimidation? It was he who told me that.
54. Before you took down his statement in writing, did you not tell him your object was to try if there were grounds for a petition, and what the grounds were supposed to be? I told him the object of the memorandum I wanted was to enable Mr. Pye to petition.

55. Did you tell him anything about what the grounds of the petition were to be? I told you this moment that I said it was on account of the intimidation used to the turnkeys in the gaol.
56. Did you say you had heard what the nature of the intimidation was? The man was telling me himself.
57. Answer my question—did you tell him what the intimidation was—did you tell him what you had heard? No, because on a previous occasion he told me, before Mr. Allen, how the men had been treated there.
58. Did you, on that occasion, or any previous occasion, say to Cahill, I have heard such and such things have taken place, is it true? He told me in the lobby of the gaol they were going to be turned out; he said, "Things have come to a pretty pass; we are all to be turned out; I heard you got a dose, too."
59. Did you, on that or any previous occasion, say anything about what you had heard had taken place at the gaol to this man Cahill? I think on this occasion, at the gaol, I said I had heard Grenleese and some one else had been threatened.
60. Did you say you had heard what the nature of the threats was—what they had been threatened with? Perhaps I might have said so.
61. Have you any doubt you said, I have heard so and so has been threatened to be done? You won't understand me; the man was telling me at the time the nature of the threats.
62. You have said over and over again he was telling you, but before he began his narrative to you, or in the course of any conversation previously to that, had you been talking to him of what you had heard of what had taken place in the gaol? The first conversation was when he told me in the lodge of the gaol, in the presence of Mr. Allen, that the men in the gaol had been threatened, and that Grenleese had been threatened in the same way.
63. You never had any conversation with him previous to that? No.
64. How did this conversation come about—what took you to the gaol? I had official business there.
65. How came you to talk about this matter? Mr. Allen and I were talking together, when Cahill came up and said, "Things have come to a pretty pass; we are to be turned out if we do not vote for Mr. Oakes." I said, "You are no worse than I am;" and he added that he had also heard that Grenleese and Mr. Ennis had been threatened.
66. Was this volunteered by Cahill, without your having said a word to induce the conversation? It was. Mr. Allen and I were talking upon it at the same time.
67. *By Mr. Holroyd*: You were asked about some conversation that took place at Mr. Lackey's, and you say you were going to take down Cahill's statement at his own house, but he had not pen and ink? Yes.
68. Was any search made for pen and ink in his house? I think he produced paper, and said he ought to have pen and ink in the house; but as he could not find it, he said, "Never mind, we will go down to Mr. Lackey's, and write it there."
69. How far is it to Lackey's from Cahill's? A very few yards.
70. Will you tell us what took place at Lackey's, in the presence of Mr. M'Roberts? I told Cahill Mr. Pye had applied to me to get his statement, and asked him if he would give it in writing, and he then made his statement to me, and I wrote it down as he stated it. After I had read it over, he said he would add something more to it.
71. Have you got that memorandum here? No.
72. It was signed there, and you took it away with you? Yes.
73. Cahill read it over, signed, and handed it to you? He did more than sign it, for he wrote at the foot of it—"The above intimidation took place between Mr. G. Oakes and myself on or about the 16th instant," and signed it "G. Cahill."
74. You know the direction from the gaol to Cahill's house? Yes.
75. And you also know the road from Mr. Pye's farm to the Rocks? Yes.
76. In going from Mr. Pye's farm to the Rocks, would you have to pass in the direction of the gaol—is that on the road,—supposing any one were riding on horseback, would he pass Cahill's house? He would pass Cahill's house to go to the Rocks.
77. And near the gaol? Yes.
78. *By Mr. Owen*: Respecting what took place near the table,—how far was Mr. Galloway from Hyder? The palisading was between them, and the dwarf wall the palisading was on; it would be about ten or twelve yards, or it might be fifteen.
79. Did Mr. Galloway speak with a loud voice to Hyder? Yes, at the top of his voice.
80. And he said what? "Halloo, Hyder!"
81. Did Hyder say anything? Not a word.
82. Hyder was at the table? He was either at the table or approaching very near to it.
83. After these words were uttered did Galloway say anything else to Hyder? Not in my hearing.
84. What took place immediately afterwards? Mr. Oakes came up to him with his clenched fist, and said, "Sir, if you attempt to interfere with the Election this day I will get you what you have been a long time looking for."
85. Was that with reference to his shouting to Hyder? I should suppose so. I thought the reason why Galloway spoke was that the man Hyder had made a mistake and gone to the wrong table.
86. And then he said those words—"if you interfere," and so on? Yes.
87. That had reference to the shouting to Hyder? It must have done, because they were both standing very quiet until Galloway called out.
88. Did Mr. Oakes say anything to this effect—"If you vote for any but me I will beat you, or duck you"? No.
89. Nothing as to his own vote? Nothing as to his own vote.
90. He knew Galloway was an ardent partisan of Mr. Pye's? I should say so.

91. You mentioned that you were talking to Mr. Allen at the door of the gaol, and that he was present when Cahill told you things were coming to a pretty pass? Yes.
92. Were the words of the threat mentioned to Mr. Allen? Decidedly, in his hearing.
93. What were the words? "We are coming to a pretty pass, (or pitch); we are threatened to be turned out if we do not vote for Mr. Oakes."
94. Mr. Allen heard that? Yes.
95. Was it mentioned what the nature of the threat was? I think not. I had heard the nature of the threat from Mr. Allen himself before; he told me in confidence.
96. What did he tell you? On the day of the polling he took me round the Court House, and he said—"You can tell Mr. Pye I cannot vote for him myself, but that I have got three or four voters for him; the conduct of the Oakes' has been scandalous at the gaol; I have had to take Mr. Oakes to task about it; I told Mr. Oakes 'this is worse than popery, you might as well dictate to my men what church they should go to.'"
97. *By the Chairman*: Mr. Allen said that? He told me so on the day of the polling.
98. *By Mr. Jones*: Did Mr. Allen say to you what kind of threats had been used to the men in the gaol? Nothing more than that there had been threatening.
99. He did not describe what kind of intimidation had been practised? No; only that he had to take him to task for the threats he had made use of.
100. With reference to the letter you received, did you understand it to refer to your right to vote for whom you pleased? No; I had generally taken an active part in Elections, and I thought it referred to that.
101. You did not conceive it was intended to influence your own vote? No; the letter speaks for itself, that it did not do so.
102. *By Mr. Gordon*: Did Mr. Allen say this threat had been used to himself personally? No, but in his presence; he had heard it.
103. Mr. Allen is a voter, is he not? Yes.
104. It was only with respect to the turnkeys and the men in the gaol, not to himself? Not to himself.
105. Did Mr. Allen say whether he himself had heard the threats, or that he had been told of them by other men? He told me that he heard them himself, because he said he had taken Mr. Oakes to task; and Cahill, when he told me what I have stated, in the lodge, in Mr. Allen's presence, said, "There is Mr. Allen knows it."
106. *By Mr. Jones*: Did Mr. Allen make any remark then? He said yes, it was scandalous.
107. He seemed to assent? Yes. You will understand this was subsequent to Mr. Allen's telling me in confidence about it.
108. You understood that Mr. Allen had heard the threats made use of to Cahill? Not exactly to Cahill, but the threats to the men generally.
109. *By Mr. Owen*: Have you had any conversation with Galloway since he was examined? Not a word.
110. *By Mr. Holroyd*: You came in directly Galloway went out? Yes; I met him at the door as he went out.

APPENDIX I.

TUESDAY, 27 APRIL, 1858.

Present:—

Mr. Gordon,
Mr. Hay,
Mr. Jamison,
Mr. Jones,

Mr. Owen,
Mr. Scott,
Mr. Weekes.

A. W. Scott, Esq., in the Chair.

Mr. John Brown again called in, and further examined:—

1. *By Mr. Holroyd*: You are already sworn? Yes.
2. You mentioned having written in Parramatta a paper which Cahill had signed? I did.
3. Will you be kind enough to look at that (*handing a paper to witness*), and say if that is the paper, and that is the memorandum at the bottom of it? This is the paper.
4. It was written by you? Yes.
5. What is the date of it? It is dated 25th January.
6. That would be on a Monday, I think? Yes.
7. Then you understood him to say that was written at the time, on the day it bears date? It must have been.
8. Have you any doubt about it? No.
9. That upper part was written by you from what Cahill told you? I took it down from his own lips at the time; he was not satisfied that it was strong enough, and would write the memorandum you see at the bottom.
10. Is that memorandum and signature at the bottom in the writing of Cahill? I saw him write it.
11. Can you say who was present at the time, besides Cahill and yourself? Mr. James M'Roberts.
12. Did he hear what Cahill said at the time you took it down from him? He must have done.

13. He was present when you wrote it down? Yes. (*The paper was handed in and marked D by the Chairman.*)
14. *By Mr. Owen*: Was that dark writing (*the memorandum at the bottom*) done on the same day? It was done at the same time.
15. Will you describe to the Committee how this statement was made—did you ask questions of Cahill? No. I asked him to give me the statement, and I would write it down, of what took place. Mr. Pye had asked me to get that statement; he stated it, and I wrote as he stated the words to me.
16. You sat down and wrote on, he dictating at the same time. Yes.
17. Continuously, without your interposing questions? Without my asking questions. The way I account for writing badly is, it was candle-light; you see it is bad paper, and I had not my glasses.
18. Did Mr. Pye say anything to you about Cahill having explained to him about this statement—you say Mr. Pye asked you to get it? Mr. Pye told me that he heard the turnkeys at the gaol had been threatened, and desired me, if I saw anything of them, that I would ask them. I told you before that one of them came on the day the intimidation took place. I mentioned that to Mr. Pye, and he said he had heard it in another quarter, and if I saw Mr. Cahill, to whom the intimidation I mentioned took place, to ask him to give me a statement.
19. Did Cahill say to you that he had seen Mr. Pye? No, he did not.
20. At whose instance was the word "intimidation" put here? At the bottom?—the old man wrote it himself. When I read it over to him, he said it was not strong enough, and he could state more than that, as I thought at first he had written and accordingly stated, but I find he had not.
21. But if he could state more, why did he not—you did not restrict him? No; when he wrote "the above intimidation" he stated, "I can state more than that," and I thought he had inserted it at the time.
22. Was this the first memorandum? This is the first memorandum.
23. You have seen or heard of? I have seen or heard of.
24. Did Cahill state to you that he had written a previous memorandum? He did not.
25. He had not written any previous memorandum, or mislaid it? No.
26. Did he state this continuously without effort, or had he to pause and think? I mentioned as I wrote on, and he then added the words. As I wrote a sentence he read it, and he then added what further I was to write.
27. Where was this written? At Mr. Lackey's.
28. Is that a tavern? Yes.
29. How long were you in the room there? I suppose about half an hour.
30. Previous to this? No; as soon as we went in I got pen, ink, and paper, and sat down.
31. Was there anything to drink? I had one nobbler of whiskey afterwards.
32. Had he anything to drink—Cahill? I think he drank a nobbler of whiskey as well.
33. *By Mr. Butler*: Had you plenty of ink when this was written? Yes.
34. Had you more than one bottle? I do not remember seeing but one.
35. *By Mr. Gordon*: Did you take this away with you at the time, after Cahill had written this at the bottom? Yes.
36. Was it in your possession from that time till you gave it up to Mr. Pye? I think I gave Mr. Pye a copy of it.
37. Could Cahill ever have copied this again? No, it is impossible.
38. Then, if he handed in a paper as a copy of that, here, it could not be a copy? Unless he got it from Mr. Pye himself.
39. If Cahill, at his examination, handed in what he said was a copy of this, is it possible it could be a copy? It could not have been copied from me, but it might have been from Mr. Pye's.
40. When did you give up this to any one? I gave it to Mr. Garrick, on Thursday.
41. After you had been summoned to attend as a witness here? After I had been summoned to attend as a witness here.
42. *By Mr. Owen*: Did you hear Cahill say that he had made another copy of anything—did you see anything? I did not ask him, neither did I hear him say he did.
43. Did you hear Mr. Pye say that he had shewn him this to make another copy? I did not.
44. If there has been a copy made, or another memorandum, you do not know of its origin at all? I do not.
45. Did you give a copy of the whole to Mr. Pye, including the memorandum at the bottom? I do not think I did; that is not my writing—not the copy.
46. When you gave a copy to Mr. Pye, did you give the whole, including the certificate at the bottom? That I do not remember.
47. You do not know whether you gave the whole? I do not think I did write what the old man wrote himself.
48. Was it done on the same day? At the same time, in the same room.
49. *By Mr. Gordon*: Out of the same ink bottle? I rather think it must be out of the same ink bottle; the old man wrote heavier; I had a steel pen.
50. *By Mr. Holroyd*: Do you know whether he wrote with a steel pen? I cannot say; I know there were pens of both descriptions; the quill pens were very bad.
51. *By Mr. Owen*: At the time this was written, had you any conversation with Cahill about the Petition to set aside the election? I told him Mr. Pye intended to petition.
52. Was Cahill a very warm supporter of Mr. Pye? He did not appear to be upon a former occasion, but he felt very sore at the gaol when he spoke to me.

APPENDIX J.

Mr. James McRoberts called in, and, having been sworn, was examined :—

1. *By Mr. Holroyd* : You live in Parramatta? About a mile out of town.
2. Were you an elector of the Borough of Parramatta at the last General Election? I was.
3. Did you vote? I did.
4. For whom? Mr. Pye.
5. You have been connected with the Borough of Parramatta for some years? I have.
6. Were you present at any time at Mr. Lackey's public house, when any document was written by Mr. Brown and Mr. Cahill? I was.
7. Can you say what day it was? The latter end of January.
8. Did you see the document? I saw it written.
9. By whom? By Mr. Brown, the first part; and a few lines, I think, by Mr. Cahill himself.
10. *By Mr. Butler* : We do not want what you think? I am certain of it.
11. *By Mr. Holroyd* : Can you say if that is the document? (*Handing a paper to the witness.*) Yes; that is Mr. Brown's writing.
12. Did you hear it read over? I did; and Mr. Cahill added that just at the bottom of it.
13. Do you know Grenleese, the other turnkey? I do.
14. Did you canvass him before the last Election? I did.
15. After the Election did you see Grenleese? I did.
16. Had you any conversation with him after the Election? I had.
17. When you had a conversation with Grenleese, did you take down, in writing what Grenleese told you then? Yes, I did.
18. At the time? Not at the time.

[Mr. Holroyd said he now proposed to ask the witness what was the conversation he had with Grenleese.

Mr. Butler objected to the question.

Argument ensued.

Strangers were ordered to withdraw.

The parties were again called in, and the Chairman stated that the Committee had decided not to receive the evidence.]

APPENDIX K.

Mr. James Pye, junior, called in, and, having been sworn, was examined :—

1. *By Mr. Holroyd* : You are the son of Mr. James Pye, the candidate for Parramatta at the last Election? Yes.
2. Do you recollect one day last week meeting Cahill? Yes.
3. Can you say what day it was? Thursday evening, I think it was.
4. Were you on foot or on horseback? On horseback.
5. Where were you coming from? From the farm, at North Rocks.
6. Where were you going to? Home.
7. Where is that? At Parramatta.
8. With your father? At my father's house at Parramatta.
9. Was your father at home that day, or in Sydney? He was not there when I got home; in the morning he said he was going to Sydney, and I did not see him till he returned.
10. At what time did you return home? About half past five.
11. When you were coming at that time on horseback from the direction of the farm at the Rocks to your father's house at Parramatta, you saw Cahill? I saw Cahill.
12. Did Cahill shew you anything? He called me to him.
13. He beckoned to you? He beckoned to me.
14. What occurred when he beckoned to you? He put down his basket and pulled out a paper, and began to shew it to me, so I got off my horse to see what was in it, and I read it.
15. Would you know the paper again if you were to see it? Yes, I think I would. (*The paper was handed to the witness.*)
16. Will you see if that is the paper? This is the paper.
17. You got off your horse and read it? Yes; then I folded it up and gave it back to Cahill.
18. Then, I understand he produced it to you? He produced it to me; I did not ask him for it.
19. You got on horseback and rode home? I got on horseback and rode home.
20. Had you not seen your father since the morning? I had not seen my father since the morning.
21. And did not see him again till after you returned home? I did not see him again till after I returned home.
22. At what time did he come home that evening? I saw him in town; it might be a little after six.
23. After you had seen Cahill? Yes.
24. And you then communicated what you heard to him? When I saw him I told him what had occurred between me and Cahill.
25. *By Mr. Owen* : Where was it? This side of Cahill's house. Do you know the Providence Row—do you know the Windsor toll-bar?
26. Where was it? Between the gaol and Windsor toll-bar, about half way on the bridge.
27. How far from Cahill's house? Seventy or eighty yards. He was going towards home, and had a basket with several things in it.
28. He spoke to you first? He called me that way (*describing the action of beckoning.*) I was riding with another man; there was a dray between, and I rode round.

29. What did he say when he gave you that paper? He said, "This is what I've got; that is what Mr. Oakes said to me." He said he would tell the truth. "I am not afraid of any one. I will do right. I will not do wrong." That was all he said.
30. What he had to say was in the paper? What he had to say was in the paper.
31. Did he say any reason? No; he did not say any reason for anything at all. I did not ask him a reason.
32. Was that the first he had ever named about the evidence he was going to give? The first he ever named to me.
33. Have you had any conversation with him since? I have had no conversation since; I have not seen him since he showed me that paper, and I had not seen him before for some time.
34. Did he say anything about when he wrote that? I understood him that he wrote it after Mr. Oakes left him. I did not take particular notice; he said it in a hurry, and I was in a hurry at the time to go home.
35. You understood that he wrote it ———? I understood that he wrote it after Mr. Oakes left him.
36. That that paper was written after Mr. Oakes left him? That was what I understood him.

APPENDIX L.

Mr. John Foreman Staff called in, and, having been sworn, was examined:—

1. *By Mr. Holroyd*: Were you an elector of the Borough of Parramatta at the last Election? Yes, and have been at every Election.
2. And are resident in Parramatta? Yes.
3. Do you know Mr. Oakes, the sitting Member? I do—for many years.
4. Do you recollect the day of polling, the 19th January, Tuesday? I do, very well.
5. Did you see him at all that day? Frequently.
6. Did you see him before the polling opened? At about the time the polling was opening.
7. Had you any conversation with him? Yes, I had.
8. Did you act as scrutineer for any party? Yes; I have acted as scrutineer at every Election.
9. For whom did you act as scrutineer? Mr. Pye.
10. Whom did you vote for? Mr. Pye.
11. What was the conversation you had with Mr. Oakes at the time the polling was opening, and afterwards? The conversation I had with Mr. Oakes was in reply to the remarks Mr. Oakes made to me.
12. At what time of the day was this? Early in the morning—about nine o'clock—about the time of the opening of the Election.
13. What did Mr. Oakes say to you, and what did you say to Mr. Oakes? Mr. George Oakes came to the opposite side of the table, and began addressing some remarks to me; the first words I heard were, "nonsense—from you." I could not hear at first distinctly, "we are ready for you to-day—and you will get it," and made other remarks, but these remarks I more particularly remember. I replied, "What have I done, Mr. Oakes; I do not know why you should speak to me in this way; I have not opened my mouth to you, and I have not spoken to you during this Election." Mr. Oakes made some further remarks.
14. What did Mr. Oakes say? I cannot say; I was dreadfully annoyed at being attacked in that way, without uttering a single word; however, I felt my position very awkward, sitting there as scrutineer, and I was obliged later in the day to abandon it.
15. Had you any further conversation with Mr. Oakes that day? I do not remember.
16. Was it in consequence of what Mr. Oakes said that you abandoned your position as a scrutineer? Not altogether; it was from the conduct of Mr. Oakes' party.
17. What was Mr. Oakes' manner at the time he said "you will get it to-day"? Mr. Oakes seemed a great deal irritated; his lips quivered, and his countenance looked very revengeful.
18. *By Mr. Butler*: In reference to what matter did this conversation take place? Mr. Oakes' remarks to me do you mean?
19. Yes? I really cannot tell you.
20. Upon your oath, can you not say what caused this conversation? Upon my oath I do not know anything that occurred to annoy Mr. Oakes or raise his temper, I believe; but I am not sure of the time of day I requested the questions to be put to electors, and it might have been that.
21. That is all you remember? That is all I remember.
22. Without any provocation on your part, Mr. Oakes threatened you? On my oath I do not recollect anything to provoke him, for I asked why and wherefore he had done it.
23. Where were you sitting at this time? I was sitting at the south end of the table—the last seat but one—and I left plenty of room for others.
24. Mr. Staff, you see what I am coming to? I do not see what you mean.
25. On your oath, do not you understand what I refer to? On my oath——
26. Why did you say just now about leaving plenty of room for others? Because Mr. Byrnes had made some remarks to the Returning Officer about room at the table. I had shifted up as far as I could; but I do not know that Mr. Oakes was in the Court at the time.
27. Having said so much, will you try to recal to your memory whether there had been any altercation about making room? Not with Mr. Oakes.
28. With anybody? With Mr. James Byrnes, no altercation.
29. Just now you swore you had no remembrance of what had led to the observation? In reference to Mr. Oakes, I said decidedly.
30. I do not ask you with reference to Mr. Oakes, but with reference to anything? I stated so.
- 31.

31. You were very particular in remembering that you were sitting at the table? Yes.
32. Who else was there? Mr. Galloway.
33. You were at the south end of the table—who was at the north? I do not remember whether any one was there; Mr. Gould came afterwards.
34. You are certain there was plenty of room at the table? Yes, plenty then.
35. If there were plenty of room, how came this difficulty about Mr. Byrnes applying for room? I do not know.
36. It appears that a difficulty arose with Mr. Byrnes, of course, not with Mr. Oakes, about getting room at the table—how did that difficulty occur if your evidence be true that there was plenty of room? I do not know how it occurred. As to the conversation with Mr. Oakes—
37. Listen to me. You say there was not an altercation, of course, but some little difficulty with Mr. Byrnes about getting room at the table—now if it be true, as you swear, that there was plenty of room at the table, how did that difficulty arise? I should think it arose in this way—we got in and got our seats as quick as we could; perhaps that is the difficulty—
38. Is that an answer to my question? I can answer no other way.
39. Is that an answer to my question—if there were plenty of room at the table, how did this difficulty occur with Mr. Byrnes? I cannot say.
40. On your oath —? You need not remind me that I am on my oath.
41. I have reason to remind you. On your oath—on your oath, was not the real state of the case that you and some others who were on the same side at the Election took possession of the table, and would not let Mr. Oakes or Mr. Byrnes or their friends take a seat? Decidedly not.
42. Will you swear that? Decidedly not.
43. One question more—was it not in reference to this, the room at the table, that this conversation took place with Mr. Oakes? I said before I believed not, for I said before I did not know Mr. Oakes was in the Court at the time.
44. Was it in reference to the altercation that was going on with you and some of those at the table that the conversation took place? I will take my oath that what I said about the conversation with Mr. Oakes was true—I asked him what I had done to—
45. That is not an answer to my question? If it is not an answer to your question give me another.
46. Will you swear that it was in consequence of this altercation about the room at the table —? On my oath, I do not know what the cause of it was.
47. Will you swear that it was not? I will not swear that it was not; because, as I told you before, I do not know that Mr. Oakes was there.
48. You do not know in reference to what it was? No.
49. How then did you swear, just now, that it was in reference to your putting questions to the electors—if you did not know what it was about, how came you to think it was in reference to questions put to electors? What I answered just now was, that I think it might be so; but I told you I did not think Mr. Oakes was present.
50. You think it might be so? I think it might be so; but I know nothing about it.
51. You think it might be so, though, at the very same time, there was a difficulty going on with Mr. Byrnes about getting a seat for him? There was not a difficulty at all.
52. There was something taking place about a seat for Mr. Byrnes? As I told you before, Mr. Byrnes said something to the Returning Officer.
53. Can you tell us what Mr. Byrnes said to the Returning Officer? I cannot.
54. Have you any idea? It was something about the seats at the table.
55. Though this something about the seats at the table was going on at precisely the same time, you think it might have been in reference to some question to be put to voters? It was not at precisely the same time.
56. At what time was it? About nine o'clock.
57. At what time was the question put by Mr. Byrnes about these seats? At about that time, just as I had taken my seat with my coadjutor at the table—Mr. Galloway.
58. At what time was it you heard Mr. Oakes say what you have stated? I think about—it must have been shortly after this.
59. In reference to the conversation of Mr. Byrnes with the Returning Officer, at what time was the observation of Mr. Oakes made? I cannot say how soon afterwards.
60. Was it immediately after, at the same time? I could not say that, for my mind was engaged with the papers, and with the duty of scrutineer—I had too much else to think about.
61. You are quite sure there was plenty of room at the table, although you had plenty to think about? Yes, quite sure.
62. Had the poll opened at that time? I am not certain whether what Mr. Oakes addressed to me was before or after the polling commenced; it was about the time of the commencement of polling—I cannot charge my memory with it.
63. Try to remember whether the poll had opened or not—you have sworn that it was at nine o'clock, can you undertake to swear whether it was before the poll opened or after? I could not undertake to swear whether it was before the poll opened or after.
64. If you cannot undertake to swear whether it was before or after the poll opened, how came you to think it was in reference to your putting a question to an elector? I did not say so. I said it might have been in consequence of my putting the question to an elector.
65. How came you to say it might have been, if you had not the dimmest recollection whether the poll were opened or not? Because you were wishing to know, and I said I was not certain, it might have been—I spoke indefinitely.
66. Do you remember the case of somebody against Blakefield, tried before Mr. Cheeke? (*Mr. Holroyd objected to the question.*)
67. *By Mr. Holroyd:* I want to ask you one question about the table—was there any dispute between your party and Mr. Byrnes' or Mr. Oakes' party about who should sit at particular

ticular parts of the table? Mr. Byrnes spoke to the Returning Officer and complained, if I can charge my memory right, about our party taking up too much of the table, and that was why I stated I was sitting as close to the south end of the table as I could, and Mr. Galloway was sitting at the extreme corner. I was sitting here (*pointing to the last seat but one at the Committee Room table.*) Mr. Galloway was sitting here (*the last seat*) and Mr. Plunkett was in the seat occupied by the Honorable Chairman.

68. So far as you can recollect, Mr. Oakes was not present at that time? I do not remember seeing him.

APPENDIX M.

John Montford Gould, Esq., called in, and having been sworn, was examined:—

1. *By Mr. Holroyd:* You are a Solicitor, in practice at Parramatta? Yes.
2. And were an elector at the last General Election, in January last? I was.
3. Did you vote at that Election? I did.
4. For whom? Mr. Pye.
5. Were you in the Court House during the polling? I was.
6. All day? Yes, the whole of the day, from, I think, ten o'clock—I was rather late in the morning, and I did not leave till it was over, excepting for a short time to go over to tell them to send the lunch.
7. Did you see Mr. Oakes, the sitting Member, during the time? I did.
8. Did he say anything to you? No, I had no conversation with him—nothing in regard to the Election.
9. Do you recollect saying anything to the Returning Officer in presence of Mr. Oakes that day? Whether in presence of Mr. Oakes, I cannot say—I cannot say whether Mr. Oakes was present at the time, but I very well remember I spoke to the Returning Officer.
10. *By Mr. Butler:* You are a lawyer, I believe, and I need not remind you——? I am simply answering the question; I do not volunteer any evidence.
11. *By Mr. Holroyd:* What was Mr. Oakes' conduct in the Court House during the day? (*Mr. Butler objected to the question.*)
12. Did you hear any conversation between Mr. Oakes and any of the electors? Not in the Court House. I do not recollect hearing any conversation in the Court House between Mr. Oakes and any of the electors; and, with regard to Mr. Oakes being present, my impression, and nothing more than my impression, is, that he was present when I addressed the Returning Officer. Whether he was I cannot say, but I have a strong impression.
13. To the best of your belief, was Mr. Oakes present? To the best of my belief, he was present.
14. What did you say to the Returning Officer? (*Mr. Butler objected to the question.*)
15. Had you seen Mr. Oakes about that time? Yes; I saw Mr. Oakes in the Court House many times in the day—I cannot say any particular time, but it is my firm impression he was there at the time.
16. You cannot say positively? I cannot say positively, but it is my firm impression that he was.
17. Recollect yourself, and see if you can say whether or not, when you spoke to the Returning Officer, Mr. Oakes was there? I cannot say positively, but, as I said before, my firm impression is that he was; and the reason I have a strong impression of the fact is, that I think he was at the left hand side, if I mistake not, while Mr. Byrnes was sitting close by the desk where the Clerk of the Bench sits. Whether Mr. Oakes was there or not I cannot positively say.

APPENDIX N.

THURSDAY, 29 APRIL, 1858.

Present:—

Mr. Hay,	|	Mr. Owen,
Mr. Jamison,	|	Mr. Scott,
Mr. Jones,	|	Mr. Weckes.

A. W. Scott, Esq., in the Chair.

Mr. Samuel Jenner called in, and, having been sworn, was examined:—

1. *By Mr. Holroyd:* Are you an elector of the Borough of Parramatta? I am.
2. Were you so in the month of January last, at the last January Election? I was.
3. Did you vote? I did.
4. For whom? For Mr. Pye.
5. Were you in the Court House during any part of the Election, while the polling was going on? I was, during the whole of the polling, excepting the hour I was out at lunch.
6. Were you there early in the morning? I was.
7. At what time? I was there before the polling commenced.
8. Do you recollect seeing Mr. Staff there—John Forman Staff, I think his name is? I do.
9. Do you remember seeing Mr. Oakes, the sitting Member, early in the morning? I do.
10. Do you recollect anything occurring between Mr. Oakes and Mr. Staff that morning? I do.
11. About what time was it? Soon after ten o'clock, between 10 and 11 o'clock—I cannot say exactly.

12. What did you see? I heard Mr. Staff put the question to a voter, and Mr. Oakes, who was standing before him, turned round and said, "Staff, I'll have none of your nonsense to-day; you had better take care, or you will get it."
13. That was in consequence of the question put by Mr. Staff to a voter? To a voter.
14. What was Mr. Oakes' manner at the time he said that? He was very excited. He had a voting paper in his right hand, and he passed it into his left hand, in that way (*describing the action*). He said, "I will have none of your nonsense to day; recollect, I am prepared for you, and you will get it." He seemed very excited. Mr. Staff was frightened, and asked, "What have I done, Mr. Oakes?" He said, "We will let you see."
15. Did Mr. Staff say anything else? "What have I done?" The man seemed frightened.
16. Do you know how the table was that day—was there any room at the table at that time, or was the table full? The table was not full—not half full. I was sitting next to Mr. Staff, and there was plenty of room on the right hand side. We occupied one corner of the table.
17. There was plenty of room besides? Yes. There was nothing said about the table at this time.
18. Do you recollect any squabbling about the table? I do.
19. Was that before or after Mr. Oakes made this remark? I do not think Mr. Oakes was there then.
20. Was the squabbling with Mr. Byrnes about the table before or after Mr. Oakes shook his fist in Mr. Staff's face?
21. *Mr. Butler*: He did not say Mr. Oakes shook his fist in Mr. Staff's face.
22. *By Mr. Holroyd*: Did Mr. Oakes shake his fist? He did, as I have described.
23. How near was his fist to Mr. Staff's face? It was at the corner of the table.
24. How near? I cannot tell.
25. About how near? I should say a foot, or a foot and a half.
26. Near enough to be uncomfortable? —
27. You recollect the dispute of Mr. Byrnes about the table? Yes.
28. Was that before or after Mr. Oakes shook his fist at Mr. Staff? Before; the voting had not commenced when the dispute was about the table.
29. *By Mr. Owen*: Had you voted then? I had not voted at the time.
30. That was said when you were putting the question? Not when I, when Mr. Staff was putting the question. Mr. Gould, who ought to have been there to put it, was not there.
31. *By Mr. Weekes*: Do not you mean that Mr. Staff asked the Returning Officer to put the question? No; he was putting it himself.
32. In what capacity? As scrutineer for Mr. Pye, I believe.
33. Do you know whether, under the Act, it is the duty of the scrutineer to put the question? I believe it is; I have not the Act at my fingers' ends, but I have seen it done frequently at previous Elections.
34. *By Mr. Owen*: Did Mr. Oakes say anything at all to the voter himself, or only to Mr. Staff? Only to Mr. Staff.
35. *By Mr. Holroyd (through the Chairman)*: Did Mr. Staff put the question himself, or did he through the Returning Officer? He put the question himself, and it was done so the whole of the day, both by Messrs. Oakes and Byrnes, and by Mr. Pye's party. They did not require the Returning Officer: any one coming up, Mr. Staff said, "Question."
36. Who put the question? I do not know.
37. *By Mr. Weekes*: He merely demanded that the question should be put, but did not put the question himself? He did not speak to any one; he merely said, "Question."
38. *By Mr. Owen*: Did he mention any question? No; he merely said, "Question."
39. Did the Returning Officer put any question in consequence of that? In consequence of that, I cannot say whether he did or not.
40. *By Mr. Butler (through the Chairman)*: Did Mr. Staff say any more than merely the word "Question"? No more; the moment he spoke Mr. Oakes turned round and spoke to him.
41. He said nothing more whatever than "Question"? Nothing more.
42. *By Mr. Owen*: Did any one join Mr. Staff in putting this question, or asking the question to be put? That was all that passed; Mr. Staff said, "Question."
43. Anybody else —
44. *By Mr. Holroyd*: You said just now that that was the way it was done during the day? Yes; I sung out "Question," if I saw a man coming up, and the Returning Officer asked, "What question?" whether we wanted the bribery oath: that was the way parties challenged by singing out "Question."

APPENDIX O.

FRIDAY, 30 APRIL, 1858.

Present:—

Mr. Gordon,	Mr. Owen,
Mr. Hay,	Mr. Scott,
Mr. Jones,	Mr. Weekes.

A. W. Scott Esq., in the Chair.

George Oakes, Esq., M. P., having been sworn, was examined:—

1. *By Mr. Butler*: You are one of the sitting Members for Parramatta? I am.
2. Do you recollect the last Election? I do.
3. Do you remember by what majority you were elected? (*Mr. Holroyd objected to the question. Mr. Butler withdrew the question.*)

4. Were you in point of fact before the Election, and some time before the Election, very well satisfied that you were certain of being elected? (*Mr. Holroyd objected to the question. Mr. Butler withdrew the question.*)
5. You have heard the evidence? I have.
6. You heard the evidence of John Robert Ennis? I did.
7. Do you remember having a conversation with that witness? I had, on the 16th January, last.
8. He said the 16th? It was the 14th.
9. You are quite sure of that? I am, quite, that it was not the 16th; it was either the 13th or the 14th.
10. Had you more than one conversation with him? Only one.
11. Was any one present at that conversation? Mr. Allen and my brother Francis.
12. Will you tell us first how the conversation came about? I solicited his vote; I canvassed him as I did the whole of the electors; I asked him for his vote.
13. What did he say to that? He said he could not vote for me—that he always supported the Conservative Government.
14. Go on, and tell us the whole of the conversation? He said he could not vote for me, he always voted for the Conservative Government. I asked who they were, and he said the Donaldson Government; he said he was altogether opposed to the Cowper Government; his manner of saying so appeared to me to be very offensive. He said, "You always support that Government," and made some remarks of that kind, "You always support it, and I am altogether opposed to it."
15. Did any discussion take place? No; I merely said to him, "Well, Sir, if those are your opinions, holding the position you do in this establishment, you ought to resign your situation to-morrow." It was more from the man's manner than his remarks that I made the observation.
16. You said that in consequence of the expression of his opinion — ? (*Mr. Holroyd objected.*)
17. Did you say in consequence of the expression of his opinions? I did, and as it appeared to me the offensive manner of expressing his opinion of the Government and my support to that Government.
18. Did you say that with any view whatever to influence his vote? (*Mr. Holroyd objected to the question. Argument ensued. Strangers were ordered to withdraw. Strangers were again admitted. The Chairman stated that the Committee, having deliberated, decided that the question as to intention should not be put.*)
19. In what manner did you do it? In a very quiet conversation, after I had canvassed his vote.
20. Did anything further take place between you? I think not.
21. That was the only time in which you had any conversation with him? The only time. He told me he did not think he would vote at all; he said he could not support me, but he did not think he would vote at all.
22. *By Mr. Hay*: During the same conversation? During the same conversation.
23. *By Mr. Butler*: Was anything further said besides what you mention? Not at all.
24. Did you canvass any other people at the gaol? Yes; I saw another turnkey, named Grenleese, in company with my brother and Mr. Allen.
25. Had you some conversation with him? I asked him for his vote. He said that he did not think he would vote at all, but he said he did not think he could support me if he did.
26. Did you say anything to that—did any further conversation ensue? I said he had always supported me at previous Elections, and I thought some official influence had been brought to bear upon him—some such remark—I would not be positive whether I said to bear upon him or upon the turnkeys, having just canvassed the other man who had told me the same.
27. What did you mean to convey by "official influence"? (*Mr. Holroyd objected to the question. Objection overruled.*) I meant that I thought some one in authority had tried to influence them not to vote for me.
28. Did any further conversation take place then? I think not; I said very little.
29. Did you say anything to him about giving up his Government situation? Nothing at all.
30. That was all that took place between you? Yes.
31. Do you know Mr. Thomas Allen? Yes.
32. Had you a second conversation with Grenleese on the subject of voting? No.
33. Only one? Only one.
34. Thomas Allen—had you any conversation with him; he is the Gaoler, or Governor of the Gaol? This all took place in his presence.
35. Had you any conversation with him about how he would vote? I asked him for his vote.
36. Tell us as nearly as you can recollect the conversation? I do not think I asked Mr. Allen this day for his vote. I think I saw Mr. Allen in town one day, and canvassed him. I do not remember asking him this day.
37. Did you ever say anything to Mr. Allen about resigning his situation? Nothing whatever.
38. He was present at this conversation with Mr. Ennis, you say? He was.
39. Did he ever say anything to you in the gaol about popery? Never; he never mentioned it.
40. Did he ever say something you were doing was worse than popery? He never mentioned anything of the kind.
41. Did he ever say to you that you might as well ask a person to change his religion as to—? Nothing of the kind.
42. Did he say that, or anything like it? Nothing like it at all.

43. Or about what Church persons should go to? No, nothing bearing upon it.
44. Did you canvass any one else at the gaol—you heard Cahill examined here? Yes; I went to him, and my brother with me, on the same day, the 14th.
45. Not on the 16th? Not on the 16th; I was not in the gaol at all on the 16th.
46. Where did you see him? Between the two gates.
47. Who were present? My brother was there; he went first; there is a small wicket to go through; he went first and Mr. Allen and I were just behind.
48. Mr. Allen was with you between the two gates? I do not think Mr. Allen went through the wicket; he went up to the gate, but I do not think he came through.
49. Was any one else between the two gates—any person in charge? I believe there was another gate-keeper; I do not know who he was; there is always a second man there; I think there was another man there.
50. One in charge of each gate? I am positive there was another man, just inside; there is a little place inside—a sort of lodge—and he was there; he was not standing between the two gates, but in the lodge. Generally one opens the gate and the other stands by.
51. Who began the conversation there; do you remember? My brother Francis.
52. Will you tell us, as nearly as you can recollect, what took place—first, had you much conversation with this man at all? I scarcely exchanged three words with him.
53. Will you tell us what other conversation took place in his presence? When I came up my brother had passed through just before; they were in conversation, and my brother said to him, “Why did you tell Mr. Godin and I to put your name to my brother’s and Mr. Byrnes’ requisition?”
54. What did Cahill say to that? He said he did nothing of the kind, he had signed Mr. Pye’s requisition.
55. What did your brother say to that? He said it was false, that he had told him; and the old man said he had not,—he would vote for Mr. Pye, and was not going to vote against his conscience.
56. Did anything more take place about whether he had told him or not? My brother replied to that, and said, “You had better say I am a liar to my face.” (*Mr. Holroyd objected to the line of examination. Objection overruled.*)
57. Will you proceed, if you please? My brother said, “You had better say I am a liar to my face; you did tell me to put your name to these requisitions, at your own house.”
58. Did he say anything to that? I tried to interpose between them, and I said, “Never mind at all about the old man, he will vote right yet,” or some such remark as that.
59. Was there anything in the manner like an altercation between your brother and Cahill at this time? Yes; my brother appeared angry with him for contradicting him so flatly.
60. Did anything else take place? Nothing else; we went away; I was anxious to get away as my brother appeared very much annoyed.
61. You had only one conversation with him about his vote? I think some ten days before that I was there with Mr. ——— I asked Cahill for his vote as I went through, but I simply asked him—that was a considerable time before this. I went there, I think, on Saturday—Saturday fortnight before the 16th—the commencement of the canvass.
62. And you simply asked for his vote? I simply asked for his vote, and he gave me to understand then that he would not vote for me.
63. Did you say that you would write to Mr. Cowper if he did not vote for you? I never mentioned Mr. Cowper’s name in any shape or way.
64. Did you say you would write to the Minister of the day? I never mentioned anything of the kind.
65. Did you threaten to use your influence to get him dismissed from his situation if he did not vote for you? I did not.
66. Did you use any threat whatever? (*Mr. Holroyd objected to the question.*)
67. *By Mr. Hay:* Did he say anything about resigning his situation? Nothing at all. I said less to Cahill than to any one else.
68. *By Mr. Butler:* So far as you recollect, the only person you said anything to about resigning was Mr. Ennis? Yes; Ennis was the only one.
69. You heard the witness Galloway? I did.
70. You had some altercation with him, I think? I had, on the morning of polling—just before the polling, about a quarter of an hour.
71. Will you tell us how that altercation came about—in reference to what fact or circumstance did it take place? An elector, of the name of Hyder, told me he was going to vote for myself and Mr. Pye; I took him up to my table to have his paper filled up, and had it filled up with Mr. Pye’s name under mine.
72. Did you fill it up yourself? No, the poll clerk.
73. You had it filled up? I had it filled up.
74. With Mr. Pye’s name and your own? Yes.
75. At your table? Yes.
76. What took place? Just at this time Galloway came up, and called out “Hyder! Hyder!” and tried to get him away from me from the table; I told him “I would not allow him to interfere with the Election that day, as he had done on previous occasions.”
77. In reference to what kind of interference did you make that remark? To taking electors away, as he was attempting to do Hyder.
78. *By Mr. Holroyd:* Did you say so to Mr. Galloway? No.
79. Only tell us what you said to him ———
80. *By Mr. Butler:* In reference to taking Hyder away from the table? Yes.
81. Did anything further take place between you? I told him if he did interfere that way I would not put up with it as I had done at previous Elections; I was determined to see fair play to the whole of the electors.

82. Did you say anything more to him? I said if he did persevere he would get what he did not bargain for; I think these were the words I used.
83. Did you tell him he would get a good hiding and ducking? I told him if he did persevere he would get a thrashing, and he deserved to be ducked in the river. I am quite sure that I did not say that he would be ducked, but that he deserved to be.
84. Did you raise your fist up to this man's face? I did not. I had a large bundle of papers in my hand at that time—the Electoral Lists, and other papers.
85. About this ale you heard him speak of—what was that matter? About one o'clock there was a basket sent into the Court House with some sandwiches, and some three or four bottles of ale; it was drank by those who were there, between one and two o'clock—by friend and foe it was partaken of.
86. Both by your supporters and opponents? Yes, and by the Returning Officer.
87. Do you remember this man Galloway going away from the place? No, I do not, to my own knowledge. I was scarcely in the Court House at all; my business was outside; I was scarcely inside all the day.
88. Tell us what you were doing, to let us see that? I was looking after the voters as they came up, and Mr. Byrnes stood inside to look after them. It was arranged so before the polling commenced, and I was outside nearly all the day, till the poll nearly closed.
89. Do you remember any one who was present at the time—(he said you put your fist in his face)—you heard Galloway say, in reference to a particular occasion, at a particular time, you put your fist in his face? Mr. Byrnes and I were standing before our table; we had one table, and two clerks, one at each end of the table—
90. The table, I believe, was outside of the door? Yes, outside. There is one fact I should like to state: I told Mr. Pye's son, and Mr. Galloway, after this angry conversation—for I admit I was angry with him, because he tried to take this man away—I told them, distinctly, if they brought any elector to our table who wished to vote for Mr. Pye, we would mark his name on our voting paper.
91. You did, in fact, insert this man's name in your paper? Yes; and not only in this case, but in the case of any elector, so long as he voted for either Mr. Byrnes or myself, we did not care which one it was. Of course, if he did not vote for either we did not fill up the paper.
92. You have heard Mr. Brown's evidence—have you anything you wish to say in reference to that? No, I think not.
93. We now come to Mr. Staff—you heard Staff examined? I did.
94. Had you some altercation with Staff? I had.
95. What hour of the morning was it? Just as the poll opened, at nine o'clock, as we went in.
96. Was it in the Court House? It was; the Returning Officer had just taken his seat.
97. You were in just at that time? I just went in. I do not think it was quite so soon as Mr. Byrnes.
98. Had you more than one altercation with Staff? Only one.
99. You are quite sure it was not between ten and eleven? I swear positively it was not. I do not think I was in the Court House at that time. I do not think I was inside for the first two hours.
100. So that Mr. Jenner, in saying that, must have been mistaken? He must have been mistaken. I wondered to hear him say so at the time.
101. You had only one altercation—in reference to what did that altercation take place—how did it arise? When the Returning Officer took his seat on the Bench, Mr. Byrnes went in just before me, and found Mr. Pye's supporters all on one side of the table, about six of them; they occupied the front of the table, and sat opposite to the Returning Officer.
102. If you had gone on the other side you would have had to sit with your back to the Returning Officer? Yes.
103. In consequence of this state of things what took place? I could state exactly about the position of the persons sitting at the table—Mr. Plunkett sat at one end, Mr. Staff next, Mr. Jenner next, Mr. Galloway, and some one else, I forget whom; there were six all along the table, occupying the whole, except a very small portion.
104. What took place in consequence? Mr. Byrnes applied to the Returning Officer for a fair portion of the table for himself and his friends, or one of his scrutineers.
105. Was anything said by Mr. Staff? Mr. Staff replied, to some remarks Mr. Byrnes was making, that there was plenty of room at the table. I told him not to interfere at all in the matter, it was a matter between the candidates and the Returning Officer.
106. Did he say anything? I think I can positively state that I was as far from Mr. Staff at this time as I am now from the further end of this table. (*The Committee Room table.*)
107. You did not shake your fist in his face? I did not.
108. What more did he say to you, and what more did you say to him? I told him not to interfere, that we were determined not to be put down, that we would have fair play that day.
109. Did you say anything more to him? Nothing more to Staff. I appealed to Mr. Byrnes; as it was then nine o'clock, electors were coming in, and not a vote was polled, and said, "Never mind, Mr. Byrnes, let them occupy the table."
110. Did you say anything to him about ducking or hiding? Not a word; I never mentioned anything of the kind.
111. Did Mr. Byrnes, in point of fact, succeed in getting part of the table? No; he stood the whole of the day, from nine o'clock till the poll closed, at the little desk.
112. They did occupy the whole of the table then? All the best of the table, I do not say the whole, but the table on one side facing the Returning Officer.
113. *By Mr. Holroyd:* When you were canvassing, I believe you were canvassing for Mr. Byrnes and yourself as well? I did not; I canvassed for myself. I do not think I asked for a single vote for Mr. Byrnes.

114. You are aware that your brother Francis canvassed for you? I was aware that he canvassed for Mr. Byrnes.
115. And for yourself? I cannot say. I do not think I ever heard him.
116. Were you aware of the fact that he canvassed for you? I have not the least doubt that he did.
117. Were you not aware of the fact that he did? I have not the least doubt of it.
118. Answer my question? I cannot say. I do not think I ever heard him canvass for me.
119. Were you not aware from him that he was canvassing for you as well as for Mr. Byrnes? I cannot answer for what he did when I was not with him.
120. Did you not know from your brother that he was canvassing for you as well as for Mr. Byrnes? I cannot say. I can positively swear that he did not when I was with him.
121. Could you say that you did not know from him that he was canvassing for you? I rather think I did.
122. You have no doubt he was canvassing for you? I have not the least doubt in life but what he did. If you will allow me —
123. I will allow you? I canvassed the electors myself in person, but I never went by myself; I always had some one with me on behalf of Mr. Byrnes. The other party, whether my brother, Mr. Goodin, or any one else who might be with me, asked the elector for a vote for Mr. Byrnes, but I made it a rule never to ask a single vote for Mr. Byrnes.
124. But to take your brother to solicit votes for him? But to take my brother, or some other party. I asked for a vote for myself, and then the second party asked immediately for a vote for Mr. Byrnes; that was the rule adopted.
125. Then your brother, or some other person on behalf of Mr. Byrnes, went to every voter? I cannot say to "every."
126. To nearly all the voters? To nearly all the voters we could find.
127. All that you went to? Yes; some days one went, sometimes another; sometimes both my brother and Mr. Goodin.
128. You were aware, I believe, that your brother canvassed Mr. Ennis for you in the gaol? He did not; not in my presence.
129. I mean, when you went near this green baize screen, you were aware from the conversation that took place that he canvassed Ennis? I should judge from the conversation afterwards—I did not hear him when he went in.
130. Do you not remember his coming out and saying he could not make anything of Mr. Ennis? He made some remark.
131. What did he say when he came out? I think he said, "You had better go in and see 'Ennis yourself'—some such remark.
132. Have you been into the gaol since you were there on the 14th or 16th January? Several times.
133. Have you seen the turnkeys since, any of them? I saw them one day this week, I will not be positive which.
134. What took you to the gaol that day? I went to ascertain from Mr. Ennis and from Mr. Allen if there were any entry of the day I was there; whether there was any entry at all, and I got them to look in the book. From one circumstance, that the medical man belonging to the establishment was there, I was positive it was not Saturday.
135. Did you see the entry? Yes.
136. There was an entry? Yes, of the post Grenleese was at on that day. I wanted to fix the day when I was there in my own mind.
137. What day was it? Thursday.
138. Would that be the 16th? No, the 14th, the day of the Sydney Election.
139. You went to Ennis to ascertain the fact? Yes.
140. Had you any conversation with any of the turnkeys with reference to this matter? With Grenleese.
141. About what? To see whether he could tell the day, for I found he was in error telling us it was Saturday. He told me he thought he was in error; it was not on Saturday.
142. What was the conversation you had with Grenleese? With Grenleese and Ennis.
143. What was the conversation you had with Grenleese and Ennis? Asking them whether they knew the day I was there—whether they had found out since; and he said he thought it was Saturday, because he was always at a particular post in the hospital, and it came to his turn on the Sunday. Therefore that was the reason he thought it was the Saturday, as he knew the exact place he was in when I canvassed him.
144. I think you said just now, with respect to the requisition, that your brother said to Cahill he had told him to put his name to the requisition to you and Mr. Byrnes? Yes.
145. Did your brother then collect signatures to this requisition? I judge so from that.
146. You are aware that he had been collecting signatures to that requisition before that conversation? I was aware that a requisition was in course of signature.
147. You were aware that your brother was interfering to get signatures to this requisition? I heard that there was a requisition in course of signature.
148. Was it the first time you had heard that your brother had been engaged in getting signatures to this requisition when you heard it at the gate? No, it was not.
149. When was the first time before that? I could not say exactly—in the course of the canvass.
150. Some days before that? Yes.
151. Do you know for whom Grenleese voted? I really do not know now; I can tell from a memorandum in my pocket. (*Referring to a document.*) I believe this to be perfectly correct.
152. I will take it as perfectly correct? This is the Electoral List.
153. To the best of your belief you say it is perfectly correct—it is an Electoral List—tell us whom Grenleese voted for?

Mr.

Mr. Butler : It is not properly evidence.

Mr. Oakes : I wish to give the Committee all the information I can. I see Grenleese voted for Oakes and Byrnes.

154. *By Mr. Holroyd* : Did you not say to Grenleese, "I am a Government officer," or, "I am a supporter of the Government, and you had better vote for me?" I did not.
155. You never said anything of the kind? I did not; it would be very strange if I did say I was a Government officer.
156. I said, "Government officer, or Government supporter?" I did not use either one expression or the other.
157. You are generally a supporter of Mr. Cowper, I believe? I am, generally.
158. And were before the last Election? Yes.
159. And opposed to what is called the Parker and Donaldson Ministry? Generally.
160. Did you not say this, or something of this kind, to Grenleese, "You, being a Government officer, you had better give up your Government situation at once?" I did not.
161. Or anything like it? Or anything like it.
162. You say Mr. Allen was with you when you had this conversation with the turnkeys? Yes.
163. Was he near enough to hear what was said? Decidedly he was, in Ennis' case, and I think in the other two. It was in the small room where Ennis was; the room was partitioned off.
164. You say you met Mr. Allen in the town afterwards, and canvassed his vote? No; previously; some time previously.
165. What did he say when you asked him for his vote? He said he would not give me any satisfaction till the day of Election.
166. What did you say to that? I could not tell you the conversation.
167. Tell us, as nearly as you can, what was said? I think I said, "You always have supported me, and I hope you will again"; some such remark as that.
168. Nothing else? nothing else.
169. Who was this other man that was at the gate the time this conversation took place? I do not know; he was not inside the gate, but in a little lodge.
170. He could hear what was said? I should think he could if he had been listening; he was no great distance away.
171. You did not know who he was? No, I did not; and I never inquired of any one since who he was.
172. Then you did say something to Mr. Ennis about resigning? Yes; "If these are your views," or some remark of that kind.
173. "If those are your views you ought to resign"? Yes. "If those are your views, you ought to resign to-morrow." I am quite positive I used the word "to-morrow."
174. You say it was arranged between you and Mr. Byrnes that one should remain in the Court House and the other outside; you remained outside to look after the voters; was there a coalition then between you, that you made this arrangement? It was generally understood between us.
175. It was a coalition? We were to canvass in the way I told you. I canvassed for myself, and Mr. Byrnes did not canvass; I canvassed personally, and Mr. Byrnes did not.
176. Mr. Byrnes was to be inside, watching his votes as well as yours; and you were to be outside, watching for electors for yourself as well as for him? It was understood that Mr. Byrnes and one or two others were to be inside, and I was to be outside.
177. Mr. Byrnes was to watch for his own voters and yours, and you were to watch for your own and his? Yes.
178. You watched his interest? I watched his interest.
179. When Mr. Galloway called out "Hyder," you say he tried to get him away from your table; did he do anything more than call out "Halloo, Hyder?" He came up.
180. Did he touch him, or draw him away? No, he did not.
181. Did he do anything more than say, "Halloo, Hyder?" He came up close to him, and, from his manner, he tried to entice him away; he said, "You are going to vote for Mr. Pye."
182. I believe he did vote for you and Mr. Pye? Yes.
183. What did you mean by saying that he tried to take him away from you—did he use any force, or merely speak to him? He merely spoke to him.
184. You spoke to Mr. Brown at the time, did you not? I did not.
185. Did you not see Mr. Brown when you had this altercation with Galloway? I did not.
186. I understood you to say that you were angry with Galloway at that time? Yes.
187. You were a good deal excited, I suppose? Well, I do not think I was very much excited; it was just at the very commencement of the polling.
188. Were you not excited as well as angry? I think not.
189. But you promised him a good hiding, and told him he deserved a good ducking, and surely you must have been a little excited to use language of that kind? That had more reference to—
190. I don't want to know what it had reference to,—I ask you if you must not have been excited to use such language? I was not excited; I was angry with him for commencing so early to try to take one of my voters.
191. It was a vote that was promised to Mr. Pye? I told him there and then that I would have a voting paper filled up for Mr. Pye.
192. Do you not know that promises of that kind are very frequently broken on such occasions? It would have been done.
193. Will you undertake to say that you had filled up your voting paper for Hyder with Mr. Pye's name? I positively swear that I told him it had been done, or that I would have it done

194. Will you positively swear that you had done it? I said I had done it, or would have it done, for I took Hyder to the table in order to have a voting paper filled up.
195. I suppose it would have been as safe, if you had left your name to be filled up at Mr. Pye's table? I think not.
196. Your own is the only honest party—are you on good terms with Mr. Pye? Yes, I think so.
197. At this time do you speak to Mr. Pye? No.
198. Have you spoken to Mr. Pye since the Election? I have not; I will tell you the reason why, if you-like: I met Mr. Pye one day in the street, and he appeared to shun me, and I have never spoken since.
199. You say Mr. Pye's party kept possession of the best part of the table,—were not some of Mr. Pye's scrutineers at the end of the table as well as at the side? Mr. Plunkett was at the end.
200. Is it not an oblong table? Yes.
201. Were not some at the end as well as at the middle? Mr. Plunkett occupied some such position as Mr. Bowden, (*the Solicitor for the sitting Member, who was sitting at the end of the table,*) and he was the only one who volunteered to give up his seat. He said, "Mr. Byrnes I will give up my seat to you," but he would not take it.
202. Was not where Mr. Byrnes was standing about as good a position as any in the Court House for seeing the voters when they came up to vote? I should think not.
203. Was it not near the poll clerk, close to the poll clerk? It was; he stood at the clerk's desk—you know where the clerk's desk is, and he stood sideways to the Returning Officer.
204. That was nearer to the Returning Officer than the table? It was nearer to the Returning Officer than the table; it was the only position he could take.
205. He was in the clerk's desk? No; he was outside; if he had been in the clerk's desk he would have had his back to the Returning Officer.
206. He might have been sideways there—You say Mr. Plunkett offered to give up his seat to Mr. Byrnes, but Mr. Byrnes did not require it, and stood all day alongside the desk? I think Mr. Byrnes wanted seats not only for himself but for his friends. I think he wanted four or six, and he was as much entitled to them as the other party.
207. Was there not room enough at the table for all, including those persons who were at the table? There was room, if they sat with their backs to the Returning Officer.
208. It was not necessary that they should all sit with their faces towards him? I think it was necessary that they should see the electors as they came up.
209. Would they not see them as they came in better with their backs to the Returning Officer? They would not see whom they were to put the questions to.
210. Would they not, in that position, see the electors as they came in? They could not see them as they came up to hand the papers in to the Returning Officer, and would not know whom to put the questions to.
211. Will you undertake to swear that you did not shake your fist at Galloway outside the Court? I will swear I had a bundle of papers in one hand.
212. In one hand? Yes; this one I am a cripple in.
213. Still you might have a paper in this hand? I never carry anything in this hand.
214. Still you could carry what you then had; only a few voting papers? I had a book, the Electoral Act, and other papers.
215. Do you mean to say that you did not double your fist, and shake it in his face? I swear positively I did not.
216. You are not of a pugnacious character? No.

APPENDIX P.

Francis Oakes, Esq., called in, and, having been sworn, was examined:—

1. *By Mr. Butler*: Do you know a turnkey at Parramatta Gaol called Cahill? I do.
2. Do you remember a conversation with him on any occasion when your brother was present? I do.
3. On what date, do you remember, was this? It was either on Wednesday or Thursday before the Parramatta Election—I believe it was on Thursday.
4. Where did it take place? At the gaol gate at Parramatta.
5. Was there any one else present? Yes; there was another man—another turnkey.
6. Was the Governor of the Gaol present? Mr. Allen came up with my brother from the gaol, the inside of the gaol, while I was talking to the turnkey; I had been inside with my brother. Mr. Allen came up, but I do not know whether he heard what I said to the turnkey, or what he said to me.
7. Will you tell us what you said to the turnkey—what he said to you—any conversation that took place while your brother was there? There was very little conversation after my brother came up. All that was said I said before my brother came up. (*Mr. Holroyd objected to any evidence as to any conversation in the absence of the sitting Member.*)
8. Having exhausted your memory, I would now ask you do you remember anything being said in your brother's presence, after he came up, about signing a requisition? Yes; Cahill denied having told me to sign a requisition to my brother and Mr. Byrnes.
9. *By Mr. Holroyd*: Was your brother present? Yes, he was present then.
10. *By Mr. Butler*: Tell us what was said about the requisition? I said to Cahill that he had told me to sign Mr. Byrnes' and my brother's requisition; he denied it, and said it was no such thing. I was vexed with him for denying it, and said, just as my brother came up, "You had better call me a liar at once." My brother came up at the time to the gate, and said, "He will vote right," or, "He will vote for me," or something of the kind; that was all my brother said to him.

11. Did he, in point of fact, authorize you to sign the requisition? He did.
12. *By Mr. Holroyd*: Was anybody present when he gave you that authority? Yes, Mr. Goodin.
13. Where was it given? At Cahill's own house.
14. What Goodin is that—the toll-bar keeper? The same man.
15. Were you collecting signatures for your brother's requisition? For my brother and Mr. Byrnes.
16. Your brother was aware of that, I suppose? I do not know.
17. Have you never told him that you were collecting signatures for him? I do not know that I had at this time.
18. Never? I would not be sure; this was just the commencement of the canvass—the first day.
19. Of the canvass? Of obtaining signatures to the requisition.
20. This was some days before you saw Cahill in company with your brother? It was some days before I saw him at the gaol—I suppose ten days.
21. Your brother was aware you were getting signatures to his requisition between that time and the time you saw Cahill at the gaol? I do not know whether he was or not.
22. You never see him and never mention these things? I do see him, but my brother had not made up his mind to come out then.
23. Did Cahill promise you that he was going to vote for Byrnes and Oakes? No; he said he would sign a requisition to bring them out.
24. Are you aware that he can write? Yes.
25. Did he put his signature to it? No. I will tell you the reason why; the man was in bed, and when we knocked at the door he came out in his night shirt.
26. At what time did he come out in his night-shirt? In the day time; he is one of the turnkeys in the gaol, and they take turn at watching, and I dare say he had been on duty during the night. Mr. Goodin and I were standing at his door, and when he came to it I told him our business, and he said "I will sign it." I said, "It is of no consequence as to your signing it; if you authorise me to do so it is just the same." At this time Mr. Pye was not in the field.
27. When you were with your brother at the gaol gate, when this conversation took place, did Cahill then say he was going to vote for Byrnes and Oakes? No; he said he would vote for Mr. Pye. I told him he had signed our requisition and he denied it; I knew all along he would vote for Mr. Pye; he was obliged to vote for him.
28. And that was the reason you tried to entrap him into signing this? I did not entrap him.
29. He denied having ever authorised you to put his name down? Just as my brother came out I said, "You had better call me a liar to my face." My brother then came up, and said, "It's no use bothering with the old fellow, he will vote right," or "he will vote for me"—I am not sure which.
30. I believe you are not on very good terms with Mr. Pye? I am not.
31. When you saw Cahill, and he said he would vote for Mr. Pye, was there not something said about resigning? There was not.
32. Nothing? Nothing at all.
33. Nor of Government pay? No—not a word.
34. Nor about his being a Government officer? Not a syllable when my brother was present.
35. Was there something said before that? There was not.
36. What did you mean then by saying not "when my brother was present"? You asked me to state anything that took place when my brother was present, a short time ago. I never threatened to interfere——
37. I never asked you if you threatened, therefore you need not say that. What was the name of the other turnkey who was there? I do not know; I know there must have been another there, because the gate was never left with only one man.
38. Did you see the other man? There are always two men there; I know that this man is never left by himself.
39. Was there not a second man on this day—did you not say you saw him? I believe there was; I do not know his name at all.
40. Have you seen him since? I would not know him if I saw him.
41. Have you been in the gaol since? Yes, a dozen times.
42. What takes you there? I have been getting stone cut there.
43. Have you been there within the last month? Yes.
44. What have you been there for—were you there then to see about stone cutting? I went the other day to see Mr. Allen.
45. In reference to this matter? Yes.
46. Is that since this inquiry began? Since it began.
47. *By Mr. Hay*: Did you say anything to Cahill about losing his situation? I did not.
48. When your brother was not present? On the Saturday following I was in the gaol on private business, and I said to Cahill, "Now, you were very positive the other day about not signing the requisition." He said, "I still am positive." I said, "I asked Mr. Goodin about it, and he remembers distinctly your telling me to put your name down to it." I was very vexed with the old fellow, because he stuck out so positively.
49. I asked you if you at any time, in connection with the Parramatta Election, said anything to Cahill about his situation? I did say something. I said, "If I were the Premier and you voted against me I would discharge you;" or something of that kind. That was on the Saturday following, when I was there by myself.
50. Did you say at any time that your brother, or any one else, would use any influence to get him dismissed? Never; that is the only thing I said. The only man I had a cross word with during the election was Mr. Pye himself.
51. Did you say he was in any danger of losing his situation? No; these were the very words,

words, "If I were Mr. Cowper, or the Premier, and you voted against me, I would discharge you." I was vexed because he stuck out after I said Mr. Goodin remembered his telling me to put his name down. I knew he would vote for Mr. Pye. I knew he was obliged to vote for Mr. Pye when he signed the requisition to my brother—at least when he told me to sign it Mr. Pye was not in the field.

52. *By Mr. Owen*: Did he say anything in reply to what you said about being Premier? No. It was just as I was coming out of the gate. I said, "If I were Premier and you were voting against me I would discharge you"—that was the Saturday after I went there with my brother.

53. And then you went away? Yes. I went there about some stone, and I then told him I had spoken to Goodin about his telling me to sign the requisition, and that Mr. Goodin distinctly remembered it. He said, "I still deny it."

54. *By Mr. Holroyd*: That was after he had told you that he was going to vote for Mr. Pye? Yes.

55. Did he not say on that day, Saturday, that he was going to vote for Mr. Pye? I never asked him.

APPENDIX Q.

James Byrnes, Esq., M.P., called in, and, having been sworn, was examined:—

1. *By Mr. Butler*: Were you present at the Court House during the last Election for Parramatta? Yes.
2. What part were you taking at the Court House—were you inside or not? Inside.
3. Did you see Mr. Oakes, the other sitting Member, there that day? Yes.
4. Were you present at any altercation between him and a man named Galloway? Yes.
5. At what hour of the day was this? A few minutes to nine.
6. Did you hear everything that was said, and see everything that took place between them? Everything.
7. First, do you know in reference to what the altercation took place? Yes; perfectly well.
8. Be good enough to state what it was? Some few minutes previous to the misunderstanding between Mr. Oakes and Mr. Galloway, I saw Mr. Galloway and Mr. Pye's eldest son speaking to a man whom I believed to be a voter. I walked up towards them, and stood, without making any observation whatever. Mr. Oakes came over and called the man by name, and took him over to where the polling clerk was.
9. At his table? At his table; and on the way over I saw Galloway. I followed Galloway immediately, and stood within the distance of from this to the door (*referring to the door of the Committee Room*) from the polling-table, where Mr. Oakes was engaged getting a voting paper, as I believed.
10. To be filled up? To be filled up. Indeed I saw him take the voting paper and hand it to the clerk to fill it up. I do not know for whom it was to be filled up, as I do not know for whom the man was going to vote.
11. Did you hear Galloway say anything? Yes; I heard Galloway call the man, and go up as close to him as I am now to Mr. Scott (*the Honorable Member was standing close beside the Chairman*.) Mr. Oakes turned round and said, "We will not have any of your nonsense to-day; you have done as you liked hitherto, we are not going to put up with it to-day; you be off," or something to that effect. "What I am doing, I am doing honestly and fairly; I am filling up this man's voting paper, and I will not allow you to interfere with me," or words to that effect.
12. That was, as nearly as you can recollect, the conversation? Yes.
13. Did Galloway say anything to that? Yes, he did, but his back was to me, and I could not hear exactly what he said till Mr. Oakes walked up to where I was. He said, "Very well, Mr. Oakes; very well, Mr. Oakes; very well."
14. Did you see Mr. Oakes do anything to him? To Mr. Galloway—No.
15. Did you see him clench his fist in his face, or anything like it? Not at all.
16. Could he have done it without your seeing him? It was not possible.
17. Can you swear that he did not do it? I swear most positively he did not.
18. Do you know a person named Staff? Yes, well.
19. Pretty well? Yes, very well.
20. Were you present at any altercation between Mr. Oakes and Mr. Staff? No altercation between Mr. Oakes and Mr. Staff.
21. Do you recollect anything that took place between them in the Court House? Yes, in the Court House I remember, but not between them.
22. Something that took place in the Court House, whether between them or not, when both were present? I cannot say anything took place between them at all. I recollect distinctly that Mr. Staff, Mr. Galloway, Mr. Gould, Mr. Jenner, and Mr. Plunkett, and I rather think Mr. Pye's eldest son, but I will not be quite certain, rushed in directly the door was opened—the Court House door—and took up the whole side of the table—a table nearly as long as this (*alluding to the Committee Room table*), Mr. Plunkett sitting at one end of the table, as the Honorable Chairman does here, Mr. Staff sitting next him, the Returning Officer sitting immediately in front of him. I could not get a seat at the table, unless I sat as Mr. Weekes is now, and I should then have had my back to the Returning Officer; and I called the attention of the Returning Officer to the fact that Mr. Pye's agent, Mr. Gould, Messrs. Staff, Galloway, and Jenner, and the whole of his friends, were occupying, to my annoyance.
23. To your exclusion? To my exclusion, and to my annoyance too, for I was very much annoyed.
24. *By Mr. Holroyd*: To your annoyance? To my annoyance and exclusion, too. I immediately appealed to the Returning Officer to know if he would allow the whole front of the

the table to be occupied by the friends and agents of one candidate, whilst I must either take my seat with my back turned to him, and not be enabled to see the voters as they came in, or stand during the whole day. The Returning Officer said the table was for the accommodation of the candidates, and I put it to him to know if he would decide that I should have a seat at least in front of the table. He decided that I ought to have, but no move was made. Mr. Staff, Mr. Galloway, and the other gentlemen continued to occupy it; and I was obliged to stand the whole of the day at the end of the clerk's desk in the Court House.

25. *By Mr. Butler*: Did you hear Mr. Staff say anything during this period—about the time you made this appeal to the Returning Officer? Yes; he made some observation upon the subject when I was addressing the Returning Officer, but really I could scarcely say what it was. Just at that moment Mr. Oakes came in, and said, "This is a matter that does not concern you, Mr. Staff; you have nothing to do with it; it is between the Returning Officer and the candidates."

26. Did Mr. Oakes say anything further? I do not think he did.

27. Did Mr. Oakes tell him that he deserved a good ducking, or a good hiding, and that he was likely to get it? Nothing of the kind. Mr. Oakes stood exactly as though this were Mr. Staff, (*describing the position*) and Mr. Plunkett was at the other end of the table.

28. Was this the only conversation you heard between Mr. Oakes and Mr. Staff the whole day? Yes.

29. Were you in the Court during the whole day? I never left the clerk's table, immediately under the Returning Officer.

30. No other conversation could have taken place unknown to you? No other conversation could have taken place.

31. Do you remember when Mr. Galloway took his departure? At a very early hour of the day, I think.

32. Do you remember Mr. Galloway saying anything, as he was going away, about the state of the poll?

(*Mr. Holroyd objected to the question. Objection overruled.*)

I do remember his making some observation about its being "all up."

33. Was there a large majority on one side or the other?

(*Mr. Holroyd objected to the question.*)

I never opened my lips to the gentlemen who occupied the table during the whole day. After my conversation with the Returning Officer, Mr. Plunkett offered to give me his seat, but I declined to take it as a favor.

34. Was the state of the poll announced a little before this observation of Galloway?

(*Mr. Holroyd objected to the question. Mr. Butler withdrew the question.*)

35. *By Mr. Holroyd*: I believe you are a relative, or connection of the other sitting Member? No, I am not.

36. Or were? Never. My brother is married to his sister.

37. Are you on terms with Mr. Pye? No, I am not.

38. Have you been for some time? No.

39. I think you say that Mr. Oakes said the election was to be conducted honestly and fairly? Yes.

40. That was your opinion too? I had very little opinion about it, for I never took any interest in it.

41. Did you not propose Mr. Pye as a fit and proper person? Yes.

42. And Mr. Francis Oakes seconded him? Yes. Sometimes there is a little trickery in these matters.

43. That was not all on the square—all honestly and fairly done—was it? It was not on the square. I found other parties were not going to deal with me on the square, and I was not going to be outwitted.

44. You proposed, and Mr. Francis Oakes seconded, Mr. Pye? Yes.

45. That was a trick—was not that a trick? I will not answer that question, unless the Chairman says I must, without I explain.

46. Answer the question first, and explain afterwards? It was a trick on my part. Now I will explain. Throughout the whole period of Mr. Pye's canvass and Mr. Oakes' canvass, I understood from several individuals that it was designed that —

47. We cannot have what you understood? Well, I knew as a positive fact that Mr. Pye's address was kept back, (although his friends kept up an active canvass in the town,) with a view of getting my address into the paper before his, in order that Mr. Oakes should make the first speech at the nomination, that I should make the second, and then Mr. Pye thought to come in and make a sweeping one at the end.

48. And that was the reason you played this trick? I will tell you why I played the trick; you have not had all my explanation. During the period that this manœuvring was going on, I received, and Mr. Oakes received, a most beastly anonymous letter; and I was under the impression, from what was contained in that letter, that the object of the other party was to try to bring Mr. Oakes and myself into disrepute. I was determined not to be outwitted by any of them, so I showed the letter to Mr. Pye's friends, who said it was an abominable affair, whoever wrote it; and I told Mr. Harvey the steps I intended to take. I said, "I mean to be the last man to speak on the hustings; and if any attempt be made to attack my character, I will take revenge in a way that —"

49. Did you vote at the last Election? No.

50. Do you know if Mr. Francis Oakes voted at the last Election? I really could not say; I cannot charge my memory.

51. Have you stated all that was said by Mr. Galloway to Mr. Oakes at the time Hyder was going to vote? I cannot charge my memory just now with anything more.

52. Was anything more said or not? I would not swear positively to the words they used.

53. In substance? Nothing more in substance was said.

54. Was anything said about a good hiding? No, nothing, except that Mr. Pye said he would give me a good hiding.
55. Just confine yourself to the question? You said was anything said about a hiding.
56. I was confining my question to what took place with reference to Hyder? I beg pardon.
57. You know what I refer to? Upon my honor I only remember —
58. I am speaking now of what took place before the poll opened;—was anything said about a good hiding by Mr. Oakes? Nothing.
59. Was anything said by Mr. Oakes about a good ducking? No, nothing, that I am aware of.
60. You were there during this altercation, and must have heard it if it had been said? Yes, I did; I remember now.
61. Tell us what you remember now,—after having sworn that nothing was said, tell us what was said? I do not know whether I am not confusing what took place with what passed between Mr. Pye and myself.
62. Just try to keep your head pretty clear, Mr. Byrnes, for we know you have a clear head. I did not ask you what passed between yourself and Mr. Pye, but what passed between Mr. Galloway and Mr. Oakes, the sitting Member. I ask you, upon your oath, was anything said by Mr. Oakes about getting Mr. Galloway a good hiding, or giving him a good ducking? I will swear nothing was said about giving him a good hiding.
63. Will you swear nothing was said about giving him a good ducking? It strikes me something was said about ducking.
64. Outside? It strikes me something was said.
65. Will you swear anything was said? No, I will not.
66. Do you recollect Mr. Plunkett being seated at a table inside? Yes.
67. Did he not offer to give you a seat? Yes; Mr. Plunkett sat at the end of the table, and offered me his seat.
68. I believe you did not take it? No, I declined it; I thanked Mr. Plunkett, and said I was entitled to a seat at the front of the table.
69. Was not the seat opposite better for seeing the voters as they came in; if you had taken your seat in front, you would have had the voters at your back as they came in at the door? Yes, but I should not then have seen who were going to vote for me, and who were not.
70. Had you not a better view of the voters as they came in? In addressing the Returning Officer I should have had to leave my papers at the table, and turn round to him.
71. Was there not a chair at the desk, where you could have sat? No.
72. Though standing, were you well posted to see the voters—were you not in as good a position as this at the table, for the purpose of scrutinising the votes? Perhaps I was, but in a most inconvenient place.
73. Were you not in as good a position to scrutinise the votes as you would have been in if you had been at the table? No, I was not.
74. What did you mean then by saying “perhaps I was”? You might think so, but I did not.
75. You were nearer to the Returning Officer than you would have been if you had sat at the table? You know where the clerk’s desk is, and you know where the table is, and that it was not so convenient—you know the contrary.
76. The position which Mr. Plunkett offered you would have enabled you to have seen the voters coming in, and the Returning Officer too? Yes, it would.

APPENDIX R.

WEDNESDAY, 5 MAY, 1858.

Present:—

Mr. Gordon,	Mr. Scott,
Mr. Hay,	Mr. Owen,
Mr. Jones,	Mr. Weekes.

A. W. Scott, Esq., in the Chair.

Charles Bethel Lyons, Esq., called in, and, having been sworn, was examined:—

1. *By Mr. Butler:* You were, I believe, Returning Officer at the last Parramatta Election? I was.
2. You saw all the candidates there? I did.
3. Do you know a man named Galloway? Perfectly well.
4. Did you see or hear anything taking place between him and Mr. Oakes on the morning of the Election? Yes.
5. At what o'clock was that? It was between half-past eight and nine, certainly, for I was at the Court House about twenty minutes to nine.
6. Before the polling took place? Before the doors of the Court were open.
7. What was it? They were inside the rails of the Court House, both of them, where the tables for filling up the voting papers were. A man named Thomas Hyder was with Mr. Oakes, as I supposed to have his voting paper filled up, as I also supposed, for Mr. Oakes.
8. Was he at Mr. Oakes' table? I suppose at Mr. Oakes' table; he was standing at the table.
9. What did Galloway do? Galloway tried to get him away.
10. Was anything said upon it? There were some words passed between Mr. Oakes and Mr. Galloway.
11. Did you see everything that was done by Mr. Oakes? I did, on that occasion, till Galloway and Mr. Oakes parted.

12. Did you see Mr. Oakes clench his fist in Galloway's face? Certainly not.
13. He did not do it? He did not.
14. Or anything like it? He did this: he said "I will have nothing to do with you," with an emphatical wave of the hand. (*The witness imitated the action.*)
15. He did not clench his fist? He merely did this,—“I will have *nothing* to do with you.” (*Waving his hand.*)
16. With emphasis on the words? On the word “nothing.”
17. Were you in the Court House when something was said between Mr. Oakes and Mr. Staff? I was.
18. In the Court House, acting as Returning Officer? Yes.
19. Did you hear Mr. Oakes say to Mr. Staff he would give him a good hiding? No, he did not say so; I heard every word he said.
20. He said nothing of the kind—did you see Mr. Oakes put his fist up to Mr. Staff's face? No.
21. Did he do it? No.
22. Or anything of the kind? He did the same sort of thing that he did before. Mr. Staff was on that side of the table (*pointing to the opposite side of the Committee Room table*), and Mr. Oakes was on this side or end, near the entrance.
23. How far were they apart? The table was rather wider than this. Mr. Staff was where that gentleman sits (*the side opposite to the witness*), and Mr. Oakes was here, (*describing the position on the side where witness was standing.*)
24. They were some yards apart? Five or six feet.
25. And there was a table between them? Yes; Mr. Oakes was nearer to the door.
26. They were five or six feet apart, with a table between them? Yes.
27. Do you know what the number of votes for each candidate was?
[*Mr. Holroyd objected to the question. Argument ensued. Strangers were ordered to withdraw. The parties were again called in. The Chairman stated that the Committee had decided that the question proposed by Mr. Butler might be put.*]
28. What was Mr. Oakes' majority over Mr. Pye? Upwards of a hundred,—between a hundred and a hundred and twenty, I think.
29. Had he a large majority throughout the whole polling? After the first hour Mr. Oakes and the other candidate went ahead, and continued to do so till about half-past one.
30. When Mr. Oakes was a long way ahead? It was over then, in my opinion.
31. *By Mr. Holroyd:* You say you saw Mr. Galloway try to take Hyder away—at what time was this? Between half-past eight and nine.
32. Did he touch him at all? No, I do not think he did.
33. Did you see him touch him? I do not think he did.
34. Was he within a couple of yards of him? Yes, he was close to him; the table might be as it is here, and Mr. Galloway, Mr. Oakes, and Hyder were going close up to the table.
35. What you mean by Galloway trying to get him away is, that he called to him, or beckoned to him, not that he tried forcibly to take him away? No.
36. Say exactly what you mean then. Did you see Mr. Oakes making use of his hand this way? (*Describing the action.*) Yes.
37. Did you hear what Mr. Oakes said? Yes.
38. What did he say? “We will have nothing to do with you, Sir.”
39. Did you hear him say he would give him a good hiding, or a good ducking? I am quite sure he did not say so.
40. That was outside, near where Hyder was? I am quite sure he did not say that—he repeated the other words. I think he said, “We will have nothing to do with you, Sir.” “We will have nothing to do with you, Sir.”
41. Or, “We are ready for you to-day”? No, he never said anything of the kind; he said that to Mr. Staff.
42. I am not speaking of Mr. Staff—do not confound matters, if you please—you are quite sure Mr. Oakes never used these words to Mr. Galloway, or words like these,—“I will tell you, if I find you interfering in this Election I will get you a good hiding, and a good ducking in the bargain; we are ready for you to-day”? Nothing of the kind took place at the time I am speaking of.
43. Mr. Oakes said nothing of the kind? No.
44. Nothing like it? Nothing like it.
45. Did not Mr. Oakes in the Court House say to Mr. Staff, “We are ready for you to-day”? I think he did say words to that effect—at any rate I recollect them when you used them just now. What he said was to to this effect, “Your influence is over—you are done, as we will convince you before the day is over—we are ready for you to-day.”
46. Will you undertake to say the word “convince” was used? It is just as likely he said “shew” as “convince.”
47. Will you undertake to say the word “convince” was used? No.
48. There was great disturbance during the polling, was there not? No, I should say not; nothing like the disturbance there was at the former Election. No disturbance at all, I should call it. The people were excited.
49. Did you see people carrying cornstalks? Yes.
50. Using them? Yes, in a friendly way; they waved them over friends as well as foes—there was no injury done at all. I was close to them at the time they used them.
51. Were there any clergymen who voted? Yes.
52. Ministers of Religion? Yes.
53. Was there no groaning when they gave their votes? No, they did not groan.
54. I say, was there any groaning when they gave their votes? Hooting and howling. They had the good sense to walk out.

GENERAL APPENDIX.

No. 1.

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

To Charles Bethel Lyons, Esquire, Returning Officer for the Electoral District of the Town of Parramatta, in our Colony of New South Wales.

GREETING:—

BY virtue of the powers in us vested, We do hereby direct that an Election be held for the Return of two Members, to serve in the Legislative Assembly of our said Colony, for the Electoral District of the Town of Parramatta, and that the Nomination for such Election be held at Parramatta, on the eighteenth day of January next, and that in the event of such Election being contested, the Poll at the different Polling Places for the said Electoral District be taken on Tuesday, the nineteenth day of January next; and we do further direct that you certify under your hand, by endorsement on this Our Writ, the names of the Members who shall be elected, and that you cause this our Writ, with such Certificate, so endorsed thereon as aforesaid, to be returned to us, at Sydney, on Saturday, the twenty-seventh day of February next.

IN TESTIMONY whereof, We have caused the Great Seal of our said Colony to be affixed to this our Writ.

(L. S.) WITNESS Our Trusty and Well-beloved SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of Our Territory of New South Wales and its Dependencies, at Government House, Sydney, in Our said Territory, this twenty-third day of December, in the Twenty-first Year of Our Reign; and in the Year of Our Lord One thousand eight hundred and fifty-seven.

W. DENISON.

By His Excellency's Command,
CHARLES COWPER.

[ENDORSEMENT.]

This Writ was received by me, this twenty-third day of December, One thousand eight hundred and fifty-seven.

CHARLES BETHEL LYONS,
Returning Officer.

I hereby Certify that George Oakes, Esquire, and James Byrnes, Esquire, were duly chosen the Members for the Electoral District of the Town of Parramatta, to serve in the Legislative Assembly of New South Wales.

CHARLES BETHEL LYONS,
Returning Officer.

No. 2.

Parramatta, 21 April, 1858.

I John Cahill turnkey Parramatta Gaol for the last sixteen years state that on or about the 16th day of January last Mr. George Oaks accompanied by his brother Mr. Francis Oaks, calld on me asked if I vote for him at ensuing Election Mr. F. Oaks call twice before on the same ocasio I told Mr. George Oaks I was sorry I could not vote for him that I was pledged to Mr. Pye on a former Ellection when Mr. Pye wanted me to vote for Mr. Murry and Mr. Parker I told I would vote for Mr. Oaks and Mr. Burns, but if ever in my time became candidate for Parramatta that I would forgive him Mr. Pye vote. Mr. George Oaks turned on me and sd I ran a chance or risk in loosing my situation as a being in Government in not voteing for him, as that he voted for the Government. I sd I knew nothing of that but I would stick to my honor in my former pledge and that he Mr. Oaks might as well ask me to change my religion as to vote against my conscience then Mr. Oaks said he would write to Mr. Cooper about me.

No. 3.

Memo. :—

Having being informed that you have been unduly exercising your official influence with regard to the forthcoming Election, I have to request that if such be the case, you will discontinue taking any public part in the Elections, it being desirable that public officers should not interfere in such matters.

I do not wish to influence your using your undoubted right of voting for whom you please.

*Sheriff's Office,
Sydney, 14 January, 1858.*

JOHN O'NEIL BRENNAN,
Sheriff.

MR. JOHN BROWN,
Parramatta.

No. 4.

Parramatta, 25 January, 1858.

John Cahill states that he is a turnkey in the Parr Gaol that on or about the 16th instant Mr. George Oakes called with his brother Francis Francis has also called on me before upon two occasions to solicit my vote on this occasion Mr. Geo Oakes asked me who I would vote for I told him that I was pledged to Mr. Pyc from the last or former Election he said that I ran a great risk in not supporting him as he said that he supported the present Government and any officer that would vote against him he would recommend Mr. Cooper to discharge me from holding a Government situation.

I am satisfied the above intimidation passed between me and Mr.-G. Oakes and Mr. F. Oakes, on or about the 16th instant.

JOHN CAHILL,
Turnkey, Parramatta.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTION PETITIONS.

(RUSDEN v. MORIARTY.)

SPECIAL REPORT

FROM

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS,

EMBODYING, FOR OPINION OF THE HOUSE,
CERTAIN RESOLUTIONS IN REFERENCE TO THE PETITIONS OF T. G. RUSDEN,
ESQUIRE, AGAINST THE ELECTION AND RETURN OF
ABRAM ORPEN MORIARTY, ESQUIRE, AS A MEMBER FOR THE ELECTORAL
DISTRICT OF NEW ENGLAND AND MACLEAY;

WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,
AND APPENDICES THERETO.

ORDERED, BY THE LEGISLATIVE ASSEMBLY, TO BE PRINTED,
19 *May*, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 2. WEDNESDAY, 24 MARCH, 1858.

- * * * * *
6. Election Petitions:—Mr. Cowper, *by Command*, laid upon the Table the following Election Petitions which had been addressed to His Excellency the Governor General:—

* * * * *

(2.) A Petition from Thomas George Rusden, Esquire, complaining of the Election and Return of Abram Orpen Moriarty, Esquire, as one of the Members for the Electoral District of the United Pastoral Districts of New England and Macleay, and praying that an amended return may be made to the Writ for returning two Members to represent the said Electoral District in the Legislative Assembly.
Ordered to lie on the Table.

VOTES NO. 4. FRIDAY, 26 MARCH, 1858.

- * * * * *
2. Committee of Elections and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“LEGISLATIVE ASSEMBLY.

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

“Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint

“Richard Jones, Esquire,
“The Honorable John Hay, Esquire,
“Robert Thomas Jamison, Esquire,
“Elias Carpenter Weekes, Esquire,
“Alexander Walker Scott, Esquire,
“Samuel Deane Gordon, Esquire, and
“Robert Owen, 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 twenty-sixth day of March,
“in the year of our Lord one thousand eight hundred and
“fifty-eight.

“DANIEL COOPER,
“Speaker.”

VOTES NO. 7. WEDNESDAY, 7 APRIL, 1858.

- * * * * *
5. T. G. Rusden, Esquire:—Mr. Forster having presented a Petition from Thomas George Rusden, complaining of the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and Macleay, and praying the House to take the matter into consideration,—
Moved, That the Petition be received.
Debate ensued.
Question put and passed;—
And Petition received.

VOTES NO. 8. THURSDAY, 8 APRIL, 1858.

- * * * * *
2. Election Petitions:—The Speaker having reminded the House that the time had elapsed within which exception might be taken to his Warrant appointing the Committee of Elections and Qualifications,—
Mr. Cowper said it would have been his duty now to have moved, That the Election Petitions laid upon the Table by command, on the 24th ultimo, be referred to that Committee, but, as he had been informed by the Speaker, that no official intimation had reached him as yet, that the requirement of the 67th section of the Electoral Act of 1851, as regards the deposit of the money to meet the costs of proceedings upon those Petitions, had been complied with, he must abstain for the present from making that motion.

VOTES No. 9. FRIDAY, 9 APRIL, 1858.

- * * * * *
2. Election Petitions:—Adverting to what had been said yesterday, in reference to the Election Petitions laid upon the Table on the 24th ultimo, Mr. Donaldson said that the Petition of Mr. Pye alleged on the face of it, that the £100 had been deposited in one of the Banks to the credit of the Speaker, and added, that as the Law was silent on the matter, it might be useful were the Speaker to explain what further intimation would be required of the fact of such deposit—
Whereupon the Speaker said, that as regarded Petitions addressed to himself, he invariably required that they be accompanied by a Bank Deposit Receipt for the £100 deposited to his credit, and added, in reference to the Petitions now before the House, that they would be proceeded upon immediately the Petitioners conformed to this practice as established in former cases.
- * * * * *
12. T. G. Rusden, Esquire:—Mr. Forster moved, pursuant to notice, That the Petition presented by him on the 7th instant, from T. G. Rusden, be printed.
And a Debate arising,—
The Speaker reiterated his opinion that the House could not legally entertain the prayer of this Petition, which ought to have been presented to His Excellency the Governor General, under the Electoral Act of 1851.
Question put and passed.
Ordered to be printed.

VOTES No. 10. TUESDAY, 13 APRIL, 1858.

- * * * * *
8. First Meeting of Committee of Elections and Qualifications:—Pursuant to the requirement of the 59th section of the Electoral Act of 1851, the Speaker appointed the first meeting of the Elections and Qualifications' Committee to take place at noon, on Thursday next, in Committee Room No. 2.
9. Committee of Elections and Qualifications sworn:—Richard Jones, The Honorable John Hay, Robert Thomas Jamison, Elias Carpenter Weekes, Alexander Walker Scott, Samuel Deane Gordon, and Robert Owen, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.

VOTES No. 11. WEDNESDAY, 14 APRIL, 1858.

- * * * * *
1. Election Petition:—The Speaker having laid upon the Table a Petition which had been addressed to him by T. G. Rusden, Esquire, complaining of the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and Macleay, and praying that Petitioner be declared to be a Member duly elected for the said Electoral District,—
Mr. Cowper moved, That this Petition be now referred to the Committee of Elections and Qualifications.
Question put and passed.

VOTES No. 21. FRIDAY, 30 APRIL, 1858.

- * * * * *
4. Election Petitions:—Mr. Forster moved, pursuant to amended notice, That the Petition from Mr. T. G. Rusden, presented by him on April 7, and also the Petition addressed to His Excellency the Governor General, laid upon the Table by Mr. Cowper, on the 24th March last, be referred to the Committee of Elections and Qualifications, for their consideration and report thereon.
Question put and passed.

VOTES No. 26. WEDNESDAY, 12 MAY, 1858.

- * * * * *
4. Committee of Elections and Qualifications:—Mr. Forster presented a Petition from Thomas George Rusden, Esquire, in reference to the proceedings of this Committee in the matter of his Petitions against the Election and Return of Abram Orpen Moriarty, Esquire, as one of the Members of this House for the Electoral District of New England and Macleay, and praying the House to take such steps as may prevent the ill effects that must arise if the Constitution Act be set aside—
And moved, That this Petition be received.
And the Clerk having read the Petition by direction of the Speaker,—
Debate ensued.
Motion by leave withdrawn

VOTES No. 30. WEDNESDAY, 19 MAY, 1858.

- * * * * *
1. Committee of Elections and Qualifications:—Mr. Scott, as Chairman, brought up a Report from the Committee of Elections and Qualifications, embodying, for opinion of the House, certain Resolutions in reference to the Petitions of T. G. Rusden, Esquire, against the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and Macleay.
Ordered to be printed, together with the Minutes of Proceedings and Appendices.

1858.

NEW SOUTH WALES.

ELECTION PETITIONS.

(Against the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and Macleay.)

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE Committee of Elections and Qualifications, duly appointed on the 26th March, 1858, under the provisions of the Electoral Act of 1851, to whom was referred on the 14th day of April, 1858, a Petition from T. G. Rusden, Esquire, addressed "to the Honorable the Speaker, and to the Honorable Legislative Assembly," complaining of the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and Macleay, and praying that Petitioner be declared to be a Member duly elected for the said Electoral District; and to whom were also referred on the 30th day of the same month, for their consideration and report thereon, two Petitions from the same Petitioner, having reference to the same subject, the one addressed "to the Honorable Legislative Assembly in Parliament assembled," and received by the House on the 7th of the same month, and the other addressed to His Excellency the Governor General, and laid upon the Table, by Command, on the 24th of March last,

Resolved,

That the Petitioner not having complied with the requirements of the 65th and 67th sections of the Electoral Act in regard to any one of the Petitions referred to the Committee in this case, the Committee cannot proceed to deal with these Petitions under the provisions of that Act.

The Committee further resolved,

That it is not within their power to proceed with the consideration of the question involved in the Petitions in this case, under the Constitution Act, without a specific instruction from the Assembly to inquire into the alleged disability or disqualification of Mr. Moriarty to be elected and returned as a Member to serve in the Assembly at the time of his election as one of the Members for the Electoral District of New England and Macleay.

The Committee report the foregoing Resolutions to the House for its opinion.

A. W. SCOTT,
Chairman.

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

In the matter of the Petitions of T. G. Rusden, complaining that Abram Orpen Moriarty, Esquire, one of the sitting Members for the Electoral District of New England and Macleay, was disqualified from being elected to serve as a Member of the Legislative Assembly, and praying that Petitioner may be declared to have been elected a Member for the said Electoral District.

THURSDAY, 15 APRIL, 1858.

Members Present:—

Mr. Hay, Mr. Jamison, Mr. Jones,		Mr. Owen, Mr. Scott, Mr. Weekes.
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In attendance upon the Committee,—
The 2nd Clerk Assistant.

1. On motion of Mr. Jones, seconded by Mr. Jamison, Mr. Scott was elected Chairman of the Committee.
2. The Committee determined to consider the Petitions in the order in which they were referred to them by the House, and the Clerk was directed to inform the Petitioners accordingly, and also that due notice would be given of the day on which the Committee would be prepared to enter upon the consideration of each Petition.
3. The Committee then adjourned until to-morrow, at 11 o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

* THURSDAY, 6 MAY, 1858.

Members Present:—

A. W. Scott, Esquire, in the Chair.		
Mr. Gordon, Mr. Hay,	|	Mr. Jones, Mr. Owen, Mr. Weekes.

Present for the Parties,—
The Petitioner.
Counsel for Sitting Member—Mr. Holroyd.
Solicitor for Sitting Member—Mr. J. E. Robberds.

In attendance upon the Committee,—
The 2nd Clerk Assistant.

1. Petitioner objected to the appearance of the Sitting Member by Counsel, on the ground that Mr. Moriarty, having been disqualified at the time of his election, had taken his Seat illegally, and consequently could not appear before the Committee as the Sitting Member, and that, therefore, it was not in his power to delegate to Counsel a right which he did not himself possess.
2. Strangers having been ordered to withdraw, and having withdrawn accordingly, the Committee deliberated.
3. Strangers having been re-admitted, Petitioner was informed that the Committee overruled his objection.
4. The Clerk, by order of the Chairman, then read the three Petitions in this case, in the order in which they were referred to the Committee, as follows, viz:—

No. 1.

“ To the Honorable Speaker, and to the Honorable Legislative Assembly.

“ **HUMBLY SHEWETH,—**

“ That your Petitioner has petitioned His Excellency the Governor, and the Honorable House of Assembly, complaining that breaches of the Constitution Act have been committed, and praying that the law might be enforced.

“ 2. That your Petitioner was a duly qualified and properly nominated candidate for election, to serve as a Member of the Legislative Assembly, for the United Pastoral Districts of New England and Macleay.

“ 3. That your Petitioner *did vote*, and *had a right to vote*, at the Election to which his Petitioner relates; that he had a *right to be returned and elected*; and that he *alleges himself to have been a candidate* at the Election referred to.

“ 4.

** The Committee met in the interval between this Meeting and that of 15 April, to consider another Petition referred to them.*

" 4. That your Petitioner has paid the Honorable Speaker of the Legislative Assembly the sum of One hundred Pounds.

" 5. That Mr. Abram Orpen Moriarty is said to have been returned, or elected, at the Election referred to; that he was *not a candidate*, and was not, and could not be elected as a Member of the Legislative Assembly; that he was a *paid Commissioner of Crown Lands*; that he was a *Stipendiary Police Magistrate*; that he did not vote, and had no right to vote, at this Election; that he was *incapable of claiming the right to be returned or elected thereat*, and cannot allege that he was a candidate at this Election without confessing to a breach of the Police Disqualifying Act of 1854, and of all the disqualifying clauses of the Constitution Act.

" 6. That your Petitioner is also informed that the Government has promised him another situation, or one month's salary for every year that he may have served, on account of their not requiring his services as Police Magistrate and as Crown Land Commissioner, from the 31st day of March last past.

" 7. That your Petitioner has already fully set out all the particulars of the various breaches of the Constitution Act that have been committed by Mr. Abram Orpen Moriarty in a Petition which has been received by the Honorable Legislative Assembly,—That your Petitioner prays justice may be done on the premises, and that he may be declared to be a Member of the Legislative Assembly, to serve as a Member for the United Pastoral Districts of New England and the Macleay, as being the only duly qualified candidate who was legally elected and properly received the suffrages of the, at present, totally disfranchised electors of these Districts.

" 8. And your Petitioner, as in duty bound, will ever pray, &c., &c.

" T. G. RUSDEN."

No. 2.

" To the Honorable Legislative Assembly, in Parliament assembled.

" The Petition of Thomas George Rusden,—

" HUMBLY SHEWETH:—

" That at the late General Election three duly qualified candidates were nominated to serve as Members for the United Pastoral Districts of New England and the Macleay,—viz., William Tydd Taylor, Henry Parkes, and your Petitioner, Thomas George Rusden.

" 2. That some of the electors were deluded, and induced, by various means, to throw away their votes in favor of Mr. A. O. Moriarty, a person not really a candidate—being incapacitated by the Constitution Act, 18 and 19 Vict., cap. 54, from being elected—and also disqualified by the Police Disqualifying Act of 1854, 18 Victoria, No. 5.

" 3. That the Returning Officer, instead of returning two of the three duly qualified, or legally nominated candidates, has as your Petitioner believes, returned Mr. Abram Orpen Moriarty, who was neither properly nominated nor duly elected, nor yet eligible or competent to be so.

" 4. That Mr. A. O. Moriarty not being able to take his seat, the electors in the before-mentioned districts are virtually disfranchised, and defrauded entirely of the right of representation.

" 5. That the Electoral Act of 1851, 14 Vict., No. 48, does not provide any remedy, or point out to any Election Committee how to dispose of any such question.

" 6. That the disqualification of Mr. A. O. Moriarty is declared by the Constitution Act, 18 and 19 Vict., cap. 54; and the remedy is also there laid down in section 29,—viz., that the Legislative Assembly SHALL declare the return of any person declared by that Act to be incapable to be void.

" 7. That it would be a great injustice to your Petitioner to subject him to the expenses and dilatory delays incidental to an inquiry by any Election Committee. That your Petitioner has, before this time, had to appear before an Election Committee, but that he did not then receive his expenses, as, by the 72nd section of the Electoral Act, 14 Vict., No. 48, he was entitled to; and, as it appears to your Petitioner not wrong to assert, that by the 59th section of the same Act, such Committee were bound to award him.

" 8. That, on the nomination day of the Election referred to, Mr. Moriarty was asked whether he held any Government situation, and he replied *that he had resigned the office of Police Magistrate*. He was then asked if he held any qualification to vote for the election of a Member to serve in the Legislative Assembly, and he said *Yes, for the District of New England*. When asked what was his qualification on the Roll, he replied *Salary*, as, indeed, it appears on the Roll, being the SALARY he received from Government for holding the offices and performing the duties of Police Magistrate of Armidale, and also that of Crown Land Commissioner for the District of New England.

" 9. That, therefore, your Petitioner further avers, that the Election Committee has no jurisdiction, and is incompetent to entertain or decide upon the matter at issue, because Mr. Moriarty, by the 68th section of the Electoral Act, 14 Vict., No. 48, cannot appear before any such Committee; for he did *not vote*, and had no *right to vote*, at the Election referred to.

" 10. That this a matter involving the freedom and purity of elections, the welfare of the whole Colony, the total disfranchisement of the electors of the United Pastoral Districts of New England and the Macleay, and the integrity of your Honorable House; and, therefore, of the highest importance.

" 11.

" 11. That your Petitioner thinks he has a right to petition your Honorable House on any matter of private injury, or of public wrong, and that if any delays are permitted, a great injustice will be done to the electors of these Districts, many of whom, including some who voted for Mr. Moriarty, have requested your Petitioner, and have urged him, to look after their interests in this matter. And that it would be a most manifest injustice to impose any loss on your Petitioner, to the advantage of a disqualified and incompetent person, merely because such person has committed an offence punishable by law.

" 12. That the present Executive Government have themselves disqualified Mr. Moriarty, even supposing his election to have been otherwise valid, by promising to give him a new appointment, or a month's salary for every year that he may have served.

" 13. That on the grounds—Mr. Moriarty being disabled, and declared incapable of being elected, or of sitting or voting, by the 16th, 18th, 28th, and 29th sections of the Constitution Act, 18th and 19th Vict, cap. 54, and being incompetent to appear before any Election Committee—your Petitioner prays that your Honorable House will not refuse to receive this Petition; but that your Honorable House will rather take the matter into consideration, and will take such steps as may appear to your Honorable House to be conducive to the welfare of the Colony, and the relief of the electors of the United Pastoral Districts of New England and the Macleay—who complain that they are defrauded of their share of representation in the Legislature.

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

" T. G. RUSDEN."

No. 3.

" To His Excellency SIR WILLIAM DENISON, Captain General and Governor-in-Chief of all Her Majesty's Australian Colonies.

" The Petition of Thomas George Rusden,—

" HUMBLY SHEWETH :—

" 1. That, although it is the duty of the Police Magistrate of any District to appoint proper Collectors, and to see that the Electoral Roll is duly and properly made out, Abram Orpen Moriarty, the Police Magistrate for the District of Armidale, has neglected this duty,—more than 60 electors in that District having been disfranchised, and among others the name of Thomas Watts, a freeholder in Armidale, has most improperly been struck off the Roll, although he still possesses the original qualification under which he voted in the three contested Elections that have taken place for the United Pastoral Districts of New England and the Macleay.

" 2. That, although the second section of 18 Vict., No. 5, still in force, and declared to be so by the 41st section of the Constitution Act, declares that no Police Magistrate shall be capable of being elected as a Member, yet Mr. Moriarty, being Police Magistrate for the District of Armidale, did use his influence among his brother paid and unpaid Magistrates, and subordinate officials, to cause himself to be elected as a Member for the United Pastoral Districts of New England and the Macleay.

" 3. That, although the second section of the said Act renders any Police Magistrate liable to forfeit the sum of £100, to any party suing for the same, for the offence of endeavoring to persuade any elector by word, message, writing, or in any other manner to give or not to give a vote, yet Abram Orpen Moriarty, being then Police Magistrate, did reply, in the public papers, to a requisition addressed to Abram Orpen Moriarty, P. M., and C. C. J., &c., Armidale, and also did publicly address the electors at the Hustings, there and then telling them that his name was on the Roll, and that he was qualified to vote on the polling day as a recipient of a salary; and he did also ask Mr. Henry Low to vote for him, thereby again rendering himself liable to forfeit £100 for endeavoring to persuade Mr. Henry Low to give a vote in his favor; and thereby making Mr. Henry Low also liable to a like penalty of £100 for so doing, Mr. Henry Low being the Clerk of Petty Sessions at Uralla.

" 4. That, although it is reported that 59 votes were recorded at Uralla in favor of Mr. Moriarty, Police Magistrate of the District of Armidale, and Commissioner of Crown Lands for New England and the Macleay, yet, there were not that number of duly qualified electors who could by any possibility have tendered their votes for him at that polling-place. On the other hand, many parties were jostled, intimidated, and prevented from recording their votes in favor of any other candidates.

" The polling most improperly took place in a public house, the landlord of which called an elector who tendered his vote in opposition to Mr. Moriarty, a b— Irish convict, and many other parties were prevented from voting in a similar manner. Mr. Henry Low, the Clerk of Petty Sessions, and others voting and using great exertions to cause others to vote, contrary to all custom, and to the above-mentioned Act. It is also reported that John Crapps' vote was, amongst many others, most improperly rejected by the Returning Officer, and that even impersonations were permitted.

" 5. That, although the 18th section of the Constitution Act declares that any person holding any office of profit shall be incapable of being elected, yet Abram Orpen Moriarty, still holding office, and described in the *Armidale Express* of the

" 13th

" 13th February, 1858, as the Acting Police Magistrate, did, after having under the cover and influence of his stipendiary position as Police Magistrate, claim to himself a right to vote on the polling day, which took place on the 11th February, 1858, and did use, and allow others to make use of the same influence, to cause or compel others to vote in his favor.

" 6. That, although the 28th section of the Constitution Act declares that any person holding any agreement for or on account of the public service shall be incapable of being elected as a Member, yet Abram Orpen Moriarty, acting as Police Magistrate, and being duly entitled to receive the emolument attached to that office, and being forewarned of his incapacity on the day of nomination, did offer himself as a Candidate, and did allow his official position, as Commissioner and Police Magistrate, to be made use of to cause parties to vote for him.

" Your Petitioner, therefore, prayeth that an amended return may be made to the Writ for returning two Members to represent the United Pastoral Districts of New England and the Macleay in the Legislative Assembly.

" And your Petitioner, as in duty bound, will ever pray.

" T. G. RUSDEN."

5. Counsel for Sitting Member entered three objections to the entertaining of these Petitions by the Committee, viz. :—

1st. That Petitions Nos. 1 and 2, in the order in which they had been read, ought to have been addressed to the Governor General.

2nd. That the said Petitions had not been presented within the time prescribed by the Electoral Act; and,

3rd. That, in the case of the Petition addressed to His Excellency the Governor General, the requirements of the Electoral Act had not been complied with, as regards the deposit for costs.

6. The Petitioner having replied to these objections *seriatim*, strangers were ordered to withdraw, and having withdrawn accordingly, the Committee deliberated.

7. Strangers having been re-admitted, the parties were informed that the Committee were desirous for further deliberation, and to hear argument on both sides, as to " whether the House, in referring the Petitions to the Committee, have cured or condoned any irregularities that may have been committed in the mode and time of presenting the said Petitions."

The Committee then adjourned until to-morrow, at 11 o'clock, A. M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 7 MAY, 1858.

Members Present :—

A. W. Scott, Esquire, in the Chair.

Mr. Gordon,	Mr. Jones,
Mr. Hay,	Mr. Owen,
Mr. Jamison,	Mr. Weekes.

Present for the parties,—

The Petitioner

Counsel for Sitting Member—Mr. Holroyd.

Solicitor for Sitting Member—Mr. J. E. Robberds.

In attendance upon the Committee,—

The 2nd Clerk Assistant.

1. Counsel for Sitting Member addressed the Committee upon the point, upon which, at their last meeting, they had expressed a desire to hear argument.

2. Petitioner also addressed the Committee upon the same point.

3. Counsel for Sitting Member having replied, strangers were ordered to withdraw, and having withdrawn accordingly, the Committee deliberated.

4. Motion made by Mr. Jones, and Question put, " That, unless it can be shewn that in the time and mode of presenting the Petitions, or one of them, the requirements of the 65th and 67th sections of the Electoral Act have been complied with, the Committee cannot entertain them as Petitions under that Act; and the Committee decide to take evidence to ascertain whether the requirements of the clauses before-mentioned have been complied with."

The Committee divided.

Ayes, 5.	Noes, 2.
Mr. Hay,	Mr. Gordon,
Mr. Jamison,	Mr. Weekes.
Mr. Jones,	
Mr. Owen,	
Mr. Scott,	

5. Strangers having been re-admitted, the Chairman communicated to the parties the resolution to which the Committee had come.

The Committee having determined to proceed with the consideration of this case on Wednesday next, at 11 o'clock, A.M., then adjourned until Tuesday next, at 11 o'clock A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

WEDNESDAY, 12 MAY, 1858.

Members Present:—

A. W. Scott, Esquire, in the Chair.

Mr. Gordon,	Mr. Owen,
Mr. Hay,	Mr. Weekes.
Mr. Jones,	

Present for the parties,—

The Petitioner.

Counsel for Sitting Member—Mr. Holroyd.

Solicitor for Sitting Member—Mr. J. E. Robberds.

In attendance upon the Committee,—

The 2nd Clerk Assistant.

1. The Petitioner applied for the exclusion of Captain Moriarty, who was present, upon the ground that he might possibly in the course of the inquiry be called upon by Petitioner to give evidence in this case.
2. The Petitioner failing to point out the nature of the evidence that he might require of Captain Moriarty, and that gentleman not having, up to the present time, been subpoenaed, the Committee declined to grant the application.
3. Richard O'Connor, Esquire, Clerk of the Legislative Assembly, was then sworn and examined.
4. The Petitioner, in reply to a question from the Committee as to whether he had any evidence to produce to shew that the requirements of the 65th and 67th sections of the Electoral Act had been complied with, in the time and mode of presenting his Petitions, requested that Counsel for the Sitting Member might be examined.
5. Counsel for the Sitting Member objecting to being examined, upon the ground that, from the very nature of his position before the Committee, such knowledge of the subject as he possessed was privileged, the Committee declined to insist upon his examination.
6. Strangers having withdrawn, the Committee deliberated.
7. Strangers having been re-admitted, the parties were informed that the Committee, at its next meeting, were desirous of hearing argument as to "whether, in the event of the Committee deciding that the Petitions cannot be dealt with under the Electoral Act, it is within the powers of the Committee to proceed to the consideration of them under the provisions of the Constitution Act."

The Committee then adjourned until to-morrow, at 11 o'clock, A. M.

LEWIS A. BERNAYS,

2nd Clerk Assistant.

THURSDAY, 13 MAY, 1858.

Members Present:—

A. W. Scott, Esq., in the Chair.

Mr. Gordon,	Mr. Jones,
Mr. Hay,	Mr. Owen,
Mr. Jamison,	Mr. Weekes.

Present for the Parties,—

The Petitioner.

Counsel for Sitting Member—Mr. Holroyd.

Solicitor for Sitting Member—Mr. J. E. Robberds.

In attendance upon the Committee,—

The 2nd Clerk Assistant.

1. Strangers having withdrawn, the Committee deliberated.
2. Mr. Jones moved, "That the Petitioner not having complied with the requirements of the 65th and 67th sections of the Electoral Act in regard to any one of the Petitions referred to the Committee in this case, the Committee cannot proceed to deal with these Petitions under the provisions of that Act."
3. Amendment proposed by Mr. Gordon, "That in the opinion of this Committee the Petition presented by Mr. Rusden to the Speaker, accompanied by the payment of £100, having sole reference to the insufficiency of the qualification of the Sitting Member, is within the meaning of the 66th and 67th Clauses of the Electoral Act, and is now properly before this Committee for their consideration," and Question put.

The Committee divided.

Ayes.

Mr. Gordon,

Noes.

Mr. Hay,
Mr. Jamison,
Mr. Jones,
Mr. Owen,
Mr. Scott,
Mr. Weekes.

4. Amendment proposed by Mr. Weekes, "That it is not competent for this Committee to question the legality of any preliminary proceedings in regard to the Petition, prior to its reference by the House to this Committee, but that it is bound to consider that what the House has done has been legally done; and that although irregularities may have taken place in connection with the presentation of these Election Petitions to the House, such irregularities have been cured by their reception and reference to this Committee," and Question put.
The Committee divided.

Ayes.	Noes.
Mr. Weekes.	Mr. Gordon, Mr. Hay, Mr. Jamison, Mr. Jones, Mr. Owen, Mr. Scott.

5. Whereupon Original Question put.
The Committee divided.

Ayes.	Noes.
Mr. Hay, Mr. Jamison, Mr. Jones, Mr. Owen, Mr. Scott.	Mr. Gordon, Mr. Weekes.

6. Strangers having been re-admitted, the Petitioner, at the request of the Committee, addressed himself to the point upon which the Committee, at its last meeting, had expressed a desire to hear argument.
7. Counsel for Sitting Member then addressed the Committee upon the same point, arguing that, in case of its being determined that the Petitions cannot be entertained either under the Electoral Act of 1851, or under the Constitution Act, the Committee ought to find them to have been frivolous and vexatious.
8. The Petitioner having replied, strangers were ordered to withdraw, and having withdrawn accordingly, the Committee deliberated.
- The Committee then adjourned until to-morrow, at 11 o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 14 MAY, 1858.

Members Present:—

A. W. Scott, Esq., in the Chair.

Mr. Gordon, Mr. Hay, Mr. Jamison,	Mr. Jones, Mr. Owen, Mr. Weekes.
---	--

In attendance upon the Committee,—
The 2nd Clerk Assistant.

1. The Committee deliberated.
2. Motion made by Mr. Jones, "That it is not within the power of the Committee to proceed to the consideration of the question involved in the Petitions in this case, under the Constitution Act, without a specific instruction from the Assembly to inquire into the disability or disqualification of Mr. Moriarty to be elected and returned as a Member to serve in the Assembly at the time of his Election as one of the Members for the Electoral District of New England and Macleay."
3. Amendment proposed by Mr. Owen; "That the Committee, being of opinion that the Petitioner has not complied with the conditions of the Electoral Law, cannot proceed with any of the Petitions referred to it in respect of the return of A. O. Moriarty, and that the Committee do now report specially to the House thereon."
4. And, Mr. Gordon having withdrawn from the Committee,—
Question put on the Amendment.
The Committee divided.

Ayes.	Noes.
Mr. Owen, Mr. Scott.	Mr. Hay, Mr. Jamison, Mr. Jones, Mr. Weekes.

5. Original Question put—
The Committee divided.

Ayes.	Noes.
Mr. Hay, Mr. Jamison, Mr. Jones, Mr. Weekes,	Mr. Owen, Mr. Scott.

6. Motion made by Mr. Jones, "That the conclusions to which the Committee have come in this case be reported to the House; and that a Draft Report to this effect be accordingly prepared by the Chairman for the consideration of the Committee."
Question put and passed.

The Committee then adjourned until Wednesday next, at 11 o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

WEDNESDAY, 19 MAY, 1858.

Members Present:—

A. W. Scott, Esq., in the Chair.

Mr. Gordon,
Mr. Hay,
Mr. Jones,

Mr. Owen,
Mr. Weekes.

In attendance upon the Committee,—
The 2nd Clerk Assistant.

1. The Committee deliberated, and agreed upon their Report.
The Committee then adjourned until Friday next, at 12 o'clock, noon.

LEWIS A. BERNAYS,
2nd Clerk Assistant

FRIDAY, 28 MAY, 1858.

Members Present:—

A. W. Scott, Esq., in the Chair.

Mr. Gordon,
Mr. Hay,

Mr. Jones,
Mr. Owen.

In attendance upon the Committee,—
The 2nd Clerk Assistant.

1. On motion of Mr. Jones, it was resolved, That the Chairman be requested to give notice in the House of the following motion for Friday next:—
That this House having had under consideration the Report brought up, on the 19th May last, by the Committee of Elections and Qualifications, in relation to the Petitions of T. G. Rusden, Esquire, complaining of the Election and Return of Abram Orpen Moriarty, Esquire, as a Member for the Electoral District of New England and Macleay, resolves,—
(1.) That the Petitioner not having complied with the requirements of the 65th and 67th sections of the Electoral Act in regard to any one of the said Petitions, the Committee of Elections and Qualifications cannot deal with them or any one of them under the provisions of that Act.
(2.) That the Resolutions of the 14th and 30th April last, by which this House referred the said Petitions to that Committee, be therefore now rescinded.

The Committee then adjourned.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

APPENDIX A.

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

WEDNESDAY, 12 MAY, 1858.

Present:—

Mr. Scott,	Mr. Owen,
Mr. Weckes,	Mr. Hay,
Mr. Jones,	Mr. Gordon.

Alexander Walker Scott, Esq., in the Chair.

Mr. T. G. Rusden, the Petitioner against the return of A. O. Moriarty, Esquire, one of the sitting Members for the United Pastoral Districts of New England and Macleay, appeared in person to support his Petition.

Mr. Holroyd appeared for Mr. Moriarty.

Richard O'Connor, Esquire, Clerk of the Legislative Assembly, called in, sworn, and examined:—

1. By the Chairman: Do you produce the Writ certifying the return of Mr. Abram Orpen Moriarty for New England and Macleay? I produce a Writ certifying the return of Abram Orpen Moriarty and William Tydd Taylor, Esquires as Members to serve in the Legislative Assembly for the Electoral District of the United Pastoral Districts of New England and Macleay. (The witness handed in the same.)

Appendix B.

2. Will you state to the Committee when the various petitions were received from Mr. Rusden? The first petition, in the order in which I am acquainted with them, which is addressed to the Governor General, was laid on the Table by Mr. Cowper, by command, on the 24th March. The second petition was presented to the House on the 7th of April.

3. By Mr. Owen: To whom is that addressed? It is addressed to the Honorable the Legislative Assembly in Parliament assembled. The third petition is addressed to the Honorable the Speaker and the Honorable the Legislative Assembly, and was laid on the Table on the 14th April. I intended to have remarked, with regard to the Writ, that there is an endorsement upon it as follows: "W. D., 3rd March, '58," being apparently the initials of the Governor General, with the date of the return of the Writ to him; but of course I am not prepared to swear what they mean. I may also mention, in connexion with the Writ, that there is a proclamation in the Government Gazette of the 16th March, declaring the validity of the election and return notwithstanding the delay in the return of the Writ.

4. By Mr. Holroyd: That was because the Writ was returnable, on the face of it, on the 27th February? Yes, and we gather from the proclamation, that it was not returned before or upon the 27th February. I have no doubt that the date on the Writ, 3rd March, means the date on which it came to the Governor General's hands, but I cannot swear to that. With regard to these petitions, I may say that the sum of £100 was lodged in connexion with the last petition, that is, the petition addressed to the Speaker and Assembly, and laid on the Table on the 14th April.

5. When was that sum lodged? In a letter addressed to the Speaker, dated 9th April, and signed "T. G. Rusden," the sum of £100 is transmitted to the Speaker. Here is the Bank deposit receipt for the amount, which I placed in the Bank myself on the next day, the 10th. (The witness produced the receipt referred to.) There is a subsequent letter, from the Petitioner to the Speaker, applying for the return of this money. That letter is without date, but it bears our registration number in red ink,—"Legislative Assembly, 58-159."

6. By Mr. Hay: Is the date of receipt marked on that letter in any way—do you mark the date of receipt on letters received by you? Rarely; they are answered almost immediately. I will read this letter, and hand it in. (The witness here read, and handed in the same.)

Appendix C.

To this letter there is an answer from myself, by direction of the Speaker, referring Mr. Rusden to a certain clause in the Electoral Act, which would point out to him the course he ought to pursue, if he desired to have the money returned. I produce the letter book in which this letter is entered. (Letter Book produced.) It is dated the 26th April. (The witness here read the letter.) I have thought it necessary to mention these papers, and to produce them, to put the Committee in possession of all the documents connected with the case, because I know nothing could properly come before the Committee otherwise, unless that which might be referred to it directly by the House.

Appendix D.

7. *By the Chairman:* You have no other papers connected with this case? No.
8. *By Mr. Owen:* Which of the Banks is the one regulated by Act of Council, for the payment of this money? There is no Bank specified in the Act. You will perceive, that whether the petition is addressed to the Governor General, or to the Speaker, the deposit is equally required to be made to the credit of the Speaker, in one of the Banks regulated by Act of Council.
9. *By Mr. Jones:* Are you aware whether the Bank of New South Wales is one of the Banks regulated by Act of Council? I am aware, by recollection, that it is one of those Banks which make the returns required by law, and therefore I presume it must be one of the Banks regulated by Act of Council.
10. Can you inform the Committee whether at the time this petition, laid on the Table on the 24th March, was presented to the Governor General, there was a deposit of £100 to the credit of the Speaker, on account of that petition? The Speaker was not aware that there was any such deposit made, and that was the reason why no further step was taken upon the petition, than to lay it on the Table. That was the reason why it was not, as it would otherwise have been, referred to the Committee of Elections and Qualifications. It was understood there was no such deposit.
11. There was no such deposit paid to the credit of the Speaker at the time this petition addressed to the Governor General was received by the Governor? Exactly—nor at the time it was laid on the Table.
12. *By Mr. Holroyd:* You had no voucher of it? There was nothing to show it had been paid.
13. *By Mr. Owen:* Nothing to show that any other £100 was ever paid before this last? No.
14. From your official position, would that have come to your knowledge if it had been so? It would, or it would have been a departure from an invariable rule. In every other case I have been aware of the deposit having been made. In point of fact, I keep an account current in each case, giving the petitioner credit for the deposit and shewing how it has been disposed of afterwards.
15. Was there any other petition addressed to the Governor General, in reference to this matter, that you are aware of? Only this one came to my hands. Of course I can only speak of petitions that come before the House.
16. *Cross-examined by Mr. Rusden:* On whose behalf do you give evidence here? I am the Clerk of the House, and I am subject to obey the command of any proper authority of the House; and I consider this Committee a proper authority.
17. That is not the meaning of my question. Are you summoned on behalf of the petitioner or on behalf of the respondent? I am not aware that I am summoned on behalf of either the one or the other, but simply to produce papers which are in my possession officially as Clerk of the House, without reference to one side or the other.
18. Do you know the subject on which you were summoned to give evidence here—the particular point on which you were summoned to give evidence? I know the subject on which I was summoned to give evidence only by the questions that have been put to me, which I have endeavoured to answer to the best of my ability.
19. Are you aware of the particular objection that has been taken to this petition? Mr. Bernays communicated to me that certain dates would be required, as to the reception of these petitions, and so on; these dates I put upon the slip of paper which I now hold in my hand, and it was from this slip I read the dates to the Committee; otherwise I could not have given evidence with respect to them without referring again to the respective documents, which would have taken a much longer time.
20. Then your evidence does not bear upon any particular objection that has been stated to you? I really cannot say that any particular objection has been stated; but, from my position as Clerk of the House, and my knowledge of the law which regulates these things, I have an opinion of my own; so that it would be wrong if I did not say that I am aware of the objection.
21. You are a perfectly impartial witness? I am thoroughly impartial.
22. Do you consider the evidence you have given proves that the deposit was not made at the time the petition was sent in? (*Mr. Holroyd objected to the question.*)
23. Do you know any body else that could help me out of this difficulty? (*Mr. Holroyd objected to this question, also, as irrelevant to the matter at issue. It was not evidence.*)
24. Do you know any other witness, as impartial as yourself, whose evidence I might be able to obtain? Do you mean as to these dates?
25. No, as to the objections I have to meet? I cannot see how I can answer the question. It is put to me in this way—"Do you know any other witness as impartial as yourself?" If I answer simply, "No," it may be taken as an accusation of partiality against somebody else; but I may say I do not know any person who is as likely to have as good a knowledge of these matters, except the Speaker, who consults with me and I with him; it is part of our business, or profession, I should say.
26. Then, I understand you to say, you do not know any body who ought to have a better knowledge, unless it is the Speaker? Just so.
27. Do you not think I could get any evidence I may require from Mr. Holroyd? (*Mr. Jones protested against the time of the Committee being taken up with this style of cross-examination.*)
28. You have stated the date on which this petition, No. 1, was received by the House? Lest there should be any confusion, I may say, it strikes me the Committee have numbered the petitions exactly in the inverse order in which they came before the House, and I have referred them.
29. I allude to the petition marked as No. 1, containing the allusion to the £100 paid to the Speaker? That is the petition I spoke of as the last.

30. What is the date of the presentation of that petition to the Speaker? The latter, placing the £100 at the disposal of the Speaker, which came with the petition, is dated 9th April.

31. You are quite certain there is no mistake about that? It is in a handwriting which looks very much like the petitioner's.

32. When was this petition laid on the Table of the House? On the 14th April. Now, I would mention why the delay took place.—First, the petition is addressed to the Speaker and the Assembly, instead of being addressed to the Speaker alone; and, secondly, it is addressed to the Speaker and the Assembly, instead of being addressed to the Governor. There arose questions about this, but still it was determined that the petition should be laid on the Table and referred to this Committee, as the deposit had been paid, so that the Committee might deal with it on its merits.

33. What date did you say was the return of the Writ—the actual legal return of the Writ? It is doubtful whether the proclamation does not extend the time of the return of the Writ.

34. I think you stated the proclamation was dated the 16th March? Yes.

35. Will you look again—is it not the 18th? I spoke of the proclamation itself. The proclamation is dated the 16th March; it is contained in a Supplement to the *Gazette* of the 16th March, issued on the 18th.

36. Is not that the legal return of the Writ? That is a legal opinion which I would rather be excused from giving, considering that I am on my oath, and that it is a point on which people may reasonably differ.

37. If I was to show you an enactment clearly proving whether it was or was not, and was to ask you to read it to the Committee, I suppose you would have no objection? (*Mr. Holroyd objected to this method of proceeding. The interpretation of the Act was entirely within the province of the Committee.*)

38. Have you a copy of the Electoral Act of 1851? I have.

39. Will you refer to the fifty-third clause and read it? I would put it to the Committee whether this ought to be asked of me, because if it be permitted that I should be called upon to read one clause, the principle is admitted, and I may be called upon to read the entire Act, which would impose a labor and duty upon me foreign to the purpose for which I have been summoned here. (*The Committee decided that Mr. O'Connor should not be called upon to read any portion of the Electoral Act, they being in possession of the Act already to read for themselves.*)

40. *By Mr. Holroyd:* Do you know whose endorsement this is on the Writ—"W. D., 3rd March, -58"? I know, from being in the habit of seeing the signature to messages and other documents, and the signature to Acts of Parliament, that this is the writing of the Governor General.

41. *By Mr. Hay:* What do you suppose that indicates? There could have been, I apprehend, no other object in placing this here, than to denote the date of receipt.

42. *By Mr. Holroyd:* Is that the usual way in which the dates of return are indicated on Writs? I have not had occasion to look before, whether they are specified or not in this way; but there is nothing which requires anything to be placed on this Writ, unless for the purpose of denoting the day on which it came to the hands of the Governor.

43. The date of the return? That is what I mean.

44. *By Mr. Hay:* With regard to the petition which the Chairman has marked No. 1, and which was laid on the Table on the 14th April,—did you say it was received on the 9th April? The letter accompanying the petition and placing the £100 at the disposal of the Speaker was dated the 9th, and therefore I conclude it was received by the Speaker on the 9th. The money came with it, and was deposited on the following day by myself in the Bank, and here is the Bank receipt, dated the 10th April.

45. Did you produce a copy of the *Government Gazette*, containing the Proclamation of the validity of the election, notwithstanding the delay in the return of the Writ? I referred to it, but I do not think I produced it.

46. You mentioned that the proclamation was dated 16th March? Yes, it was dated the 16th March, and published as a Supplement to the *Gazette* of the 16th March; but the Supplement was issued on the 18th, therefore the publication was on the 18th March. I hand in a copy of the Supplement in which the proclamation is inserted. (*The witness Appendix E. handed in the same.*)

APPENDIX B.

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

To Job Webster Cheesborough, Esquire, Returning Officer for the Electoral District of the United Pastoral Districts of New England and Macleay, in Our Colony of New South Wales.

GREETING:—

By virtue of the powers in Us vested, We do hereby direct that an Election be held for the Return of two Members, to serve in the Legislative Assembly of Our said Colony, for the Electoral District of the United Pastoral Districts of New England and Macleay, and that the Nomination for such Election be held at Armidale, on the twenty-eighth day of January next, and that in the event of such Election being contested, the Poll at the different Polling Places for the said Electoral District be taken on Thursday, the eleventh day of February next,

next, and We do further direct that you certify under your hand by endorsement on this Our Writ, the names of the Members who shall be elected, and that you cause this Our Writ, with such Certificate so indorsed thereon as aforesaid, to be returned to Us, at Sydney, on Saturday, the twenty-seventh day of February next.

IN TESTIMONY whereof, We have caused the Great Seal of Our said Colony to be affixed to this our Writ.

WITNESS Our Trusty and Well-beloved SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of Our Territory of New South Wales and its Dependencies, at Government House, Sydney, in Our said Territory, this twenty-third day of December, in the Twenty-first Year of Our Reign; and in the Year of Our Lord One thousand eight hundred and fifty-seven.

W. DENISON.

By His Excellency's Command,
CHARLES COWPER.

[ENDORSEMENT.]

This Writ was received by me, this third day of January, One thousand eight hundred and fifty-eight.

JOB W. CHEESBOROUGH,
Returning Officer.

I hereby certify, that Abram Orpen Moriarty and William Tydd Taylor were duly chosen the Members for the Electoral District of New England and Macleay, to serve in the Legislative Assembly of New South Wales.

JOB W. CHEESBOROUGH II,
Returning Officer.

W. D.
3rd March, -58.

APPENDIX C.

Sir,

I have the honor to request that you will return to me the sum of £100, for it appears that this money has been improperly received by you, as it was improperly paid by me.

1. When I paid this money to you, I did so under the clear impression, that after you had stated to the House that no delay should take place after you had received the deposit, that the Election Committee would not have thrown my Petition on one side in favor of less important matters, which a little finesse and small management might be able to protract *ad infinitum*.

2. I entirely concurred in the opinion expressed by you in the House, in answer to Mr. Donaldson, that if His Excellency forwarded an Election Petition without first receiving the £100 deposit, His Excellency might be responsible for the money; but I must object now to have to risk money on an occasion when I am not required or compelled by any law to do so.

3. I object to lose the daily interest of this money, to which it appears to me, Sir, you can have no claim; for I am not limited to any time by the Constitution Act, which I am endeavouring to uphold; and even supposing that my objections to Mr. Moriarty's qualification came under the jurisdiction or within the reach of the provisions of the Electoral Act of 1851 (which it does not,) there are nearly six or twelve months in any period of which I might prepare to send a Petition before the House; therefore, I request you to return my money to me, that I may have the use of my own in the meantime.

4. I beg to assure you that this is no personal matter with me, as I have been requested to act for others, and have received a requisition to that purport. But a most glaring unconstitutional wrong has been allowed, a contempt and open violation of the integrity of the House of Assembly, a breach of privilege and of law has been committed, and the remedy being plainly pointed out in the 29th section of the Constitution Act, any delay that is permitted will be the means of repeating and continuing all these wrongs.

I have, &c.,

To the Honorable
The Speaker of the Legislative Assembly.

T. G. RUSDEN.

APPENDIX D.

No. 58-107.

Legislative Assembly Offices,
Sydney, 26 April, 1858.

Sir,

I am directed to inform you, in reply to your application (without date) to the Speaker, to have refunded to you the £100 deposited to meet the expenses in the matter of your Petition against the Election and Return of Abram Orpen Moriarty, Esquire, as one of the Members to serve in the Legislative Assembly for the Electoral District of New England

England and Macleay, that the course to be pursued to entitle you to the return of the sum in question, or of such portion of it as may not be required to meet expenses (if any) already incurred, is indicated by the 69th section of the Electoral Act of 1851.

I have, &c.,
R. O'CONNOR,
Clerk of Legislative Assembly.

Thomas George Rusden, Esq.,
&c., &c., &c.

APPENDIX E.

Supplement to the New South Wales *Government Gazette* of Tuesday, 16 March, 1858, No. 38.

THURSDAY, 18 MARCH, 1858.

PROCLAMATION.

By His Excellency Sir William Thomas Denison, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, Western Australia, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by an Act of the Governor of New South Wales, with the advice of the Legislative Council, passed in the fourteenth year of Her Majesty's Reign, intituled, "*An Act to provide for the division of the Colony of New South Wales, after the division of the District of Port Phillip therefrom, into Electoral Districts, and for the Election of Members to serve in the Legislative Council,*" it was amongst other things enacted, that no Election for any of the said Districts should be held to be void in consequence solely of any delay in the holding of the Election at the time appointed, or in the taking of the Poll, or in the return of the Writ, or in consequence of any impediment of a mere formal nature; and that it should be lawful for the Governor, with the advice of the Executive Council, to adopt, or cause to be adopted, such measures as might be necessary for removing any obstacle of a merely formal nature, by which the due course of any Election might be impeded: Provided, that the validity of such Election, and the measures so taken as aforesaid, should be forthwith declared by the Governor, by a Proclamation, to be for that purpose published in the *New South Wales Government Gazette*: And whereas a Writ was issued for the Election of Members to serve in the Legislative Assembly for the Electoral District of the United Pastoral Districts of New England and Macleay, which Writ was made returnable on the twenty-seventh day of the month of February last; and whereas the Returning Officer duly appointed for the said Electoral District hath certified, in accordance with the provisions of the said Act, that Abraham Orpen Moriarty and William Tydd Taylor, Esquires, were chosen by a majority of votes to be such Members for the said District; but the said Writ was not returned to me within the period therein prescribed, as directed by the said Act: Now therefore I, Sir William Thomas Denison, as such Governor aforesaid, do by this my Proclamation, issued with the advice of the Executive Council aforesaid, declare that the Election of the said Abram Orpen Moriarty and William Tydd Taylor, Esquires, to serve in the Legislative Assembly for the Electoral District aforesaid, is valid, notwithstanding the delay in the return of the said Writ of Election.

Given under my Hand and Seal, at Government House, Sydney, this sixteenth day of March, in the year of Our Lord one thousand eight hundred and fifty-eight, and in the twenty-first year of Her Majesty's reign.

(L.S.) W. DENISON.

By His Excellency's Command,
CHARLES COWPER.

GOD SAVE THE QUEEN!

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTION PETITION.
(WILLIAM BUTLER TOOTH, ESQUIRE.)

SPECIAL REPORT

FROM

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS,

EMBODYING, FOR OPINION OF THE HOUSE,
CERTAIN RESOLUTIONS IN REFERENCE TO THE SPECIAL RETURN MADE TO
THE WRIT FOR THE ELECTION AND RETURN OF A MEMBER TO
SERVE IN THE LEGISLATIVE ASSEMBLY FOR THE ELECTORAL DISTRICT OF
MORETON, WIDE BAY, BURNETT, AND MARANOVA;

WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,
AND APPENDICES THERETO.

ORDERED, BY THE LEGISLATIVE ASSEMBLY, TO BE PRINTED,
25 May, 1858.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 4. FRIDAY, 26 MARCH, 1858.

- * * * * *
2. Committee of Elections and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“LEGISLATIVE ASSEMBLY.

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

“Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint

“Richard Jones, Esquire,
“The Honorable John Hay, Esquire,
“Robert Thomas Jamison, Esquire,
“Elias Carpenter Weekes, Esquire,
“Alexander Walker Scott, Esquire,
“Samuel Deane Gordon, Esquire, and
“Robert Owen, 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 twenty-sixth day of March,
“in the year of our Lord one thousand eight hundred and
“fifty-eight.

“DANIEL COOPER,
“Speaker.”

VOTES No. 6. WEDNESDAY, 31 MARCH, 1858.

1. * * * * *
- Special Return to Writ:—The Speaker having reported that he had this day received from the Governor General a Writ which had been issued by his Excellency on the 23rd day of December last, for the Election of a Member to serve in this House during the present Parliament for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, which had been made returnable on the 27th day of February last, upon which the Returning Officer had made a Special Return, to the effect that “no person was duly chosen a Member” for the said Electoral District, in consequence of there being no mail to forward his letters appointing Returning Officers at Rannes and Gladstone, and in consequence of there being no Returning Officer at Surat,—together with a Certificate, under the Hand and Seal of the Governor General, to the effect that the said Writ, with the said Special Endorsement thereon, had been received by His Excellency from the Returning Officer on the 29th instant,—
And a Debate arising as to the diligence used by the Returning Officer in this case,—
Mr. Hodgson moved,—
(1.) That the Writ for the Election of a Member for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, and the Special Return endorsed thereon, be referred to a Select Committee of this House, to inquire into, and report thereon, with liberty to send for persons and papers.
(2.) That such Committee consist of the following Members:—Mr. Donaldson, Mr. Buckley, Mr. Macarthur, Mr. Owen, Mr. Dalley, Mr. Richardson, Mr. Jones, and Mr. Forster.
Question put and passed.

VOTES No. 8. THURSDAY, 8 APRIL, 1858.

1. * * * * *
- Special Return to Writ:—The Speaker having laid upon the Table all the Papers which had come to his hands in reference to the Writ for Moreton, Wide Bay, Burnett, and Maranoa, and to the Special Return made thereon, consisting of,—
(1.) Letter from the Colonial Secretary to the Speaker, of 30th ultimo,
(2.) Certificate under the Hand and Seal of the Governor General of the receipt of the said Writ, by His Excellency, with the Special Endorsement thereon, on the 29th ultimo,

(3.)

- (3.) Copy of a Letter from the Returning Officer to the Colonial Secretary, of 3rd ultimo, in explanation of the Special Return made by him,
 (4.) The Solicitor General's opinion,
 (5.) The Attorney General's opinion,—
 Mr. Owen, on behalf of the Chairman, Mr. Hodgson, moved, That these several Papers be referred to the Select Committee on the Special Return to Writ;—
 Question put and passed.

VOTES NO. 10. TUESDAY, 13 APRIL, 1858.

1. * * * * *
- Election Petitions:—
 (1.) Mr. Cowper, *by Command*, laid upon the Table a Petition which had been addressed to His Excellency the Governor General by William Butler Tooth, of the City of Sydney, in the Colony of New South Wales, Esquire, complaining that no return was made to the Writ for the Election of a Member to serve in the Legislative Assembly during the present Parliament for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa;—alleging that Petitioner had a right to be, and ought to have been, returned as duly elected for the said Electoral District;—and praying that it may be declared that Petitioner was elected, and ought to have been returned, as a Member of the Legislative Assembly for the said Electoral District.
 Petition, on motion of Mr. Cowper, referred to the Committee of Elections and Qualifications.
- * * * * *
8. First Meeting of Committee of Elections and Qualifications:—Pursuant to the requirement of the 59th section of the Electoral Act of 1851, the Speaker appointed the first meeting of the Elections and Qualifications' Committee to take place at noon, on Thursday next, in Committee Room No. 2.
9. Committee of Elections and Qualifications Sworn:—Richard Jones, The Honorable John Hay, Robert Thomas Jamison, Elias Carpenter Weekes, Alexander Walker Scott, Samuel Deane Gordon, and Robert Owen, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.

VOTES NO. 33. TUESDAY, 25 MAY, 1858.

- * * * * *
2. Committee of Elections and Qualifications:—Mr. Scott, as Chairman, brought up a Report from the Committee of Elections and Qualifications, in reference to the Special Return made to the Writ for the Election and Return of a Member to serve in this House for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa. Ordered to be printed, together with the accompanying Minutes of Proceedings and Appendices.

VOTES NO. 34. WEDNESDAY, 26 MAY, 1858.

- * * * * *
11. Committee of Elections and Qualifications:—Mr. Scott moved, pursuant to *amended* notice, That this House do now adopt the following Resolutions reported on the 25th instant, by the Committee of Elections and Qualifications, with regard to the special return made to the Writ for the Election of a Member to serve in this House for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa:—
 (1.) That the Writ for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, be returned to the Returning Officer named therein, with instructions to him to endorse thereon the name of the person elected for such District, according to the Voting Papers delivered to such Returning Officer.
 (2.) That the said Returning Officer be further instructed to forward to the Clerk of the Assembly, the Voting Papers so delivered to him, in accordance with the 46th Clause of the Electoral Act.
 (3.) That the time for presenting Petitions against the validity of the Return of the person whose name may be endorsed on the Writ by the said Returning Officer, be held to date from the day of the return of the Writ endorsed as directed in the first Resolution.
 Debate ensued.
 Question put and passed;—
 Whereupon Mr. Scott moved, That the foregoing Resolutions, together with the said Writ, be transmitted, by Address, to the Governor General, with a request that His Excellency will be pleased to carry them into effect.
 Question put and passed.

1858.

NEW SOUTH WALES.

ELECTION PETITION.
(WILLIAM BUTLER TOOTH, ESQUIRE.)

REPORT FROM THE COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE of ELECTIONS and QUALIFICATIONS, duly appointed on the 26th day of March, 1858, under the provisions of the Electoral Act of 1851, to whom was referred, on the 13th day of April, 1858, the Petition of William Butler Tooth, Esquire, complaining that no return was made to the Writ for the Election of a Member to serve in the Legislative Assembly during the present Parliament, for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa; alleging that he was duly elected and ought to have been returned for the said Electoral District; and praying that it may be declared accordingly,—Report that they have come to the following Resolutions:—

1. That the Writ for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa be returned to the Returning Officer named therein, with instructions to him to endorse thereon the name of the person elected for such District, according to the Voting Papers delivered to such Returning Officer.

2. That the said Returning Officer be further instructed to forward to the Clerk of the Assembly the Voting Papers so delivered to him, in accordance with the 46th Clause of the Electoral Act.

3. That the time for presenting Petitions against the validity of the Return of the person whose name may be endorsed on the Writ by the said Returning Officer, be held to date from the day of the return of the Writ, endorsed as directed in the first Resolution.

4. That the foregoing Resolutions be reported to the House, and its opinion thereon be invited by the Chairman of the Committee.

A. W. SCOTT,
Chairman.

*Legislative Assembly Chamber,
Sydney, 25 May, 1858.*

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

In the matter of the Petition of William Butler Tooth, complaining of the Return to a Writ for the Election of a Member to serve in the Legislative Assembly, for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa, and claiming to have had a right to have been returned as the person elected to serve as such Member.

THURSDAY, 15 APRIL, 1858.

Members Present:—

Mr. Hay, Mr. Jamison, Mr. Jones,		Mr. Owen, Mr. Scott, Mr. Weekes.
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In attendance upon the Committee:—
The 2nd Clerk Assistant.

1. On motion of Mr. Jones, seconded by Mr. Jamison, Mr. Scott was elected Chairman of the Committee.
2. The Clerk, by direction of the Chairman, read the three Petitions referred to the Committee, as follows, viz.:—

“ To His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all the Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General, and Governor-in-Chief of the Territory of New South Wales, and its Dependencies, and Vice-Admiral of the same, &c., &c.

“ The humble Petition of William Butler Tooth, in the City of Sydney, in the Colony of New South Wales, Esquire,—

“ **SHEWETH:—**

“ That on or about the twenty-third and twenty-fourth days of December last, your Excellency caused Writs to be issued, addressed to the Returning Officers of the several Electoral Districts throughout the Colony for a general Election of Members to serve in the Legislative Assembly.

“ That one of such Writs was addressed to Joseph North, Esquire, as Returning Officer for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, including Port Curtis and Leichhardt.

“ That your Petitioner was a candidate to serve as a Member of the Legislative Assembly, for the said Electoral District.

“ That a polling of votes took place on the twelfth day of February last, for the election of a Member for the said Electoral District, at which your Petitioner polled a large number of votes.

“ That the said Writ has been returned, bearing an endorsement, certifying that no person was duly chosen a Member for the United Pastoral District of Moreton, Wide Bay, Burnett, Maranoa, Leichhardt, and for Port Curtis, to serve in the Legislative Assembly of New South Wales, and no return has been made according to the requisition of the said Writ, issued for the election of a Member to serve in the Legislative Assembly, for the said Electoral District.

“ That your Petitioner claims to have had a right to have been returned, and that his name should have been endorsed on the said Writ, by the said Returning Officer, as the person elected to serve as such Member as aforesaid, in lieu of the endorsement made by him.

“ That by reason of the premises your Petitioner has been prevented taking, and has not taken, his Seat in the said Legislative Assembly, for the said Electoral District.

“ That your Petitioner has paid into one of the Banks regulated by Act of Council, within the said Colony,—namely, the Oriental Bank Corporation, in Sydney—the sum of One hundred Pounds, to the credit of the Speaker of the said Legislative Assembly, in relation to this Petition.

“ Your Petitioner therefore humbly prays that it may be declared that your Petitioner was elected, and ought to have been returned as a Member of the Legislative Assembly for the said Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, including Port Curtis, and Leichhardt, or that your Excellency, with the advice of the Honorable the Executive Council, will be pleased to adopt, or cause to be adopted, such measures for removing the obstacle of there being no return to the said Writ, as may be deemed advisable.

“ And your Petitioner, as in duty bound, will ever pray.

“ Dated this eighth day of April, in the year of our Lord One thousand eight hundred and fifty-eight.

“ WILLIAM B. TOOTH.”

3. The Committee determined to consider the Petitions in the order in which they were referred to them by the House; and the Clerk was directed to inform the Petitioners accordingly, and also, that due notice would be given of the day on which the Committee would be prepared to enter upon the consideration of each Petition.
4. The Committee then adjourned until to-morrow, at 11 o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 16 APRIL, 1858.

Members Present:—

A. W. Scott, Esq., in the Chair.

Mr. Hay,	|	Mr. Jones,
Mr. Jamison,		Mr. Owen,
	Mr. Weekes.	

Present for the Parties:—

Mr. W. B. Tooth—the Petitioner.

Mr. Holroyd—Counsel for Petitioner.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. By direction of the Chairman, the Clerk of the Assembly produced the Writ for the Appendices Election of a Member for the Electoral District of the United Pastoral Districts of A, D, E, F, G, H. Moreton, Wide Bay, Burnett, and Maranoa, with its endorsement by the Returning Officer, certifying that no person was returned for the said Electoral District, in consequence of there being no mail to forward his letters, appointing Deputy Returning Officers at Rannes and Gladstone, and in consequence of there being no Deputy Returning Officer at Surat,—together with certain Papers* having reference to the said Writ.
 2. The Petitioner,—Mr. W. B. Tooth,—and Mr. Alexander Galbraith, were then severally called in and examined.
 3. Council for Petitioner preferred a request that the Committee would send for the Voting Papers, those documents being necessary to enable him to proceed with his case.
 4. Strangers having withdrawn, the Committee deliberated.
 5. Strangers having been re-admitted, Counsel for Petitioner was informed by the Chairman that the Committee, before deciding to send for the Voting Papers, were desirous of hearing argument directed to the 6th and 9th paragraphs of the Petition, more especially—1st, Whether the Committee should declare the Election null and void, by reason of no Deputy Returning Officers having been appointed at three of the polling-places, and no Poll having been taken thereat in consequence; or, 2ndly, Whether the Committee should direct the Voting Papers to be sent for, and, having ascertained for which of the candidates the majority of votes, actually taken, were recorded, return the Writ to the Returning Officer to be amended accordingly.
- The Committee then adjourned until Wednesday next, at 11 o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

WEDNESDAY, 21 APRIL, 1858.

Members Present:—

A. W. Scott, Esq., in the Chair.

Mr. Jamison,	|	Mr. Owen,
Mr. Jones,		Mr. Weekes.

Present for the Parties:—

Mr. W. B. Tooth—the Petitioner.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Clerk, by direction of the Chairman, read the Minutes of the Proceedings of the Committee at its last meeting.
2. The Petitioner having withdrawn, the Committee considered a letter, received by the Chairman from the Counsel for Petitioner, stating his inability to attend the meeting of the Committee to-day, in consequence of an engagement in the Supreme Court, and requesting a postponement of the further consideration of the case to a future day.

3.

* (1.) Letter from Colonial Secretary to the Speaker, of 30th March.
 (2.) Certificate under the Hand and Seal of the Governor General, of the receipt of the said Writ by His Excellency, with the Special Endorsement thereon, on the 29th March.
 (3.) Copy of a Letter from the Returning Officer to the Colonial Secretary, of 3rd March, in explanation of the Special Return made by him.
 (4.) The Solicitor General's opinion.
 (5.) The Attorney General's opinion.

3. The Petitioner, having been readmitted, and having, in reply to a question from the Chairman, stated that he was not prepared to go on with the case in the absence of his Counsel, was informed that the Committee had determined not to proceed further with the consideration of his Petition, until the other Petitions referred to them had been adjudicated upon, or until further notice given him.

The Committee then adjourned until to-morrow, at 11 o'clock A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

* FRIDAY, 21 MAY, 1858.

Members Present:—

Mr. Hay,	|	Mr. Jones,
Mr. Jamison,	|	Mr. Owen,
	Mr. Weekes.	

Present for the Parties:—

The Petitioner.

Mr. Holroyd—Counsel for Petitioner.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. On motion of Mr. Jones, seconded by Mr. Weekes, Mr. Owen took the Chair in the absence of the Chairman.
2. Counsel addressed himself to the points upon which the Committee had expressed a desire, at their Meeting on the 16th ultimo, to hear argument.

The Committee then adjourned until Tuesday next, at 11 o'clock, A. M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 25 MAY, 1858.

Members Present:—

A. W. Scott, Esq., in the Chair.

Mr. Gordon,	|	Mr. Jones,
Mr. Hay,	|	Mr. Owen,
	Mr. Weekes.	

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. Mr. Jones stated that he had received from Mr. Jamison a letter excusing his absence from the Committee on the ground of the serious illness of a member of his family.
2. The Committee, having deliberated, resolved,—
 1. That the Writ for the Electoral District of the United Pastoral Districts of Moreton; Wide Bay, Burnett, and Maranoa, be returned to the Returning Officer named therein, with instructions to him to endorse thereon the name of the person elected for such District, according to the Voting Papers delivered to such Returning Officer.
 2. That the said Returning Officer be further instructed to forward to the Clerk of Assembly the Voting Papers so delivered to him, in accordance with the 46th Clause of the Electoral Act.
 3. That the time for presenting Petitions against the validity of the Return of the person whose name may be endorsed on the Writ by the said Returning Officer, be held to date from the day of the Return of the Writ endorsed, as directed in the first Resolution.
 4. That the foregoing Resolutions be reported to the House; and its opinion thereon be invited by the Chairman of the Committee.
3. The Committee also resolved, That the Chairman be requested to lay the Report on the Table of the House to-night, and at the same time to give notice that he will to-morrow move the adoption, by the House, of the Resolutions so reported.

The Committee then adjourned until Friday next, at 11 o'clock, A. M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

* The Committee met in the interval between this Meeting and that of 21 April to consider other Petitions referred to them.

APPENDIX A.

SELECT COMMITTEE

ON

ELECTIONS AND QUALIFICATIONS.

FRIDAY, 16 APRIL, 1858.

Present:—

Mr. Gordon,	|	Mr. Owen,
Mr. Hay,	|	Mr. Scott,
Mr. Jamison,	|	Mr. Weckes.
Mr. Jones,	|	

A. W. Scott, Esquire, in the Chair.

A. T. Holroyd, Esq., Barrister-at-law, appeared on behalf of William Butler Tooth.

Richard O'Connor, Esq., Clerk of the Legislative Assembly, having been sworn, was examined:—

1. *By Mr. Holroyd*: Do you produce the Writ addressed to Joseph North, Esquire, as Returning Officer for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, including Port Curtis and Leichhardt, for the election of a Member to serve in the Legislative Assembly at the last General Election? I do. This is the Writ. (*The witness handed in the same.*) I desire to add, in handing in this Writ, that it is addressed to Joseph North, Esquire, as "Returning Officer for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa." There is no mention here of Port Curtis and Leichhardt, and the command to have the election runs in these words:—"For the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa," without mention of Port Curtis and Leichhardt. I think it necessary to mention this, because I was asked if I produced a Writ for the election of a Member to serve for a district including those places. R. O'Connor, Esq.
16 April, 1858.
Appendix D.
2. These places are mere polling-places? I think it will be found that the Governor General, either alone or with the advice of the Executive Council, has power to include other districts within any Electoral District—that is any Pastoral District—than those named in the Electoral Act of 1851, and under that power Port Curtis and Leichhardt were added to the other districts by proclamation.
3. *By Mr. Hay*: His return is not in terms of the Writ? I would rather say it includes the names of places not within the Writ as it was forwarded to him.
4. *By Mr. Holroyd*: Do you produce the voting papers from Mr. North? No, I am unable; I have not received them.
5. Do you produce any letters from Mr. North, explaining why he had not complied with the Writ? Yes. I have other papers in my hand, which came to the Speaker with this Writ; and if I am asked generally to hand them in I will do so, stating what they are.
6. Allow me to look at them—(*the papers were handed to Mr. Holroyd*)—you produce two letters, one of the 30th of March, and the other of the 3rd of March, one from Mr. Elyard to the Speaker, and the other from Mr. North to Mr. Elyard? I produce a letter from Mr. Under-Secretary Elyard to the Honorable the Speaker of the Legislative Assembly, dated 30th March, 1858, enclosing the copy of a letter from Joseph North, Esquire, Returning Officer—dated March 3rd, 1858. (*The witness handed in the same, which were read by Mr. Holroyd.*) Appendix E.
7. *By the Chairman*: Have you any other documents connected with this business, and if so, describe what they are? I have in my hand a certificate, under the hand and seal of the Governor General, certifying to the receipt of the Writ I have just handed in by His Excellency. (*The witness read the certificate and handed it in.*) Shortly, this is the Governor General's certificate, that the Writ I have handed in, with the special endorsement thereon, came to His Excellency on the 29th March, 1858. I have also a paper which accompanied that certificate and the letter from the Under-Secretary, headed "In the matter of the Writ for Moreton, Wide Bay, Burnett, and Maranoa," and signed "Alfred P. Lutwyche, 15th March, 1858," which I hand in. (*The witness handed in the same.*) And I have a paper headed "Returning Officer, Moreton, Wide Bay, Burnett, &c., Return of Writ," dated 27th March, and signed "James Martin, Attorney General," which I also hand in. (*The witness handed in the same.*) These are all the papers which have come in regular course into my possession; Appendix F.
Appendix G.
Appendix H.

R. O'Connor,
Esq.
16 April, 1858.

sion; but I am aware of two letters, from the Returning Officer, I think, having been written for by the other Committee—the Committee on the Special Return to the Writ; but they have not come into my possession, and I do not think they are properly in possession of the House, and therefore I could not produce them with any authority.

8. *By Mr. Jones:* Do you know whether the Writ was returned with any special endorsement thereon, in pursuance of any direction of the Governor General to the Returning Officer? I do know, from having looked into the Writ which accompanied the Under Secretary's letter and the Governor General's certificate, that there is a special endorsement on the Writ itself, to the effect that no person was duly chosen to serve for the Electoral District named in it.

9. *By Mr. Holroyd:* You allude to that on the back of the Writ? Yes.

10. *By Mr. Jones:* This is the only special return that has been made? This is the only special return that has been made, within my own knowledge.

11. *By the Chairman:* That is the endorsement you allude to? (*Referring to the Writ previously handed in.*) This is the endorsement I allude to; it is the only Writ that has reached the Assembly.

12. *By Mr. Jones:* I understand you to say that you have not received any voting papers from the Returning Officer for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa? I have not.

13. Have you received any letter stating the reason why these voting papers have not been forwarded? I have not received any letter. I may say, in regard to that question, that it is not customary to have any correspondence, except when the Returning Officer accompanies his parcel of voting papers with a letter, which I acknowledge. In cases where they send the voting papers without any letter, there is no acknowledgment.

14. In some cases you receive no voting papers, and no letter explaining why they are not sent? No; nor is there in the Electoral Act any authority to me to ask for voting papers, or to remind the Returning Officer of his duty in such cases.

15. *By Mr. Weekes:* Do I understand you that when the Writ was first returned it was without any endorsement whatever? I could not speak to that; the Under Secretary's letter recites facts that came under his own knowledge.

16. *By Mr. Hay:* You have only seen the Writ in this form? Yes.

17. *By Mr. Owen:* Had any of the voting papers been received, would they have come to your hand? If any voting papers were received and addressed as directed by law, they would have come to my hands. In connection with this matter, it might be serviceable to mention that I happen to be aware of an election which took place not far off, in which I know voting papers were received which I have not yet received, and I have no authority or power under the Act to intimate to the Returning Officer negligence of that kind; I receive them, and have custody of them when they come into my hands, but have no further duty or authority in the matter.

18. Have you heard of any voting papers in this case having come? None whatever in this case.

APPENDIX B.

William Butler Tooth, Esq., having been sworn, was examined:—

W. B. Tooth,
Esq.
16 April, 1858.

1. *By Mr. Holroyd:* I believe you are the Petitioner for this seat? Yes.

2. Were you a candidate at the last General Election to serve as a Member of the Legislative Assembly for the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa? Yes.

3. Were you properly proposed and seconded? Yes.

4. Was there a second candidate proposed? Yes, Mr. Arthur Macalister.

5. Was he also proposed? Yes.

6. Where was the nomination? At Ipswich, Moreton Bay.

7. He was seconded, I believe? He was seconded.

8. Can you say if a poll was demanded? I demanded a poll—the show of hands was against me, and I demanded a poll.

9. When was the nomination? On or about the 28th of January—I think it was the 28th of January.

10. The 27th, I see? The 27th, yes.

11. Can you say what the day of polling was? 12th of February last.

12. Did you attend any of the polling-places? I attended one only.

13. Which one? Maryborough.

14. At Wide Bay? Yes.

15. Can you say if any votes were polled for both candidates? Yes, I can, positively.

16. There were votes polled for both of you? Yes, for both of us.

17. For Mr. Macalister and for you? For Mr. Macalister and me.

18. Did you see voting papers given in for both candidates? I did.

19. Who was the Deputy Returning Officer there? Dr. Palmer.

20. And he received the polling papers? He received the polling papers.

21. Are you aware whether there was any declaration of the poll afterwards at Ipswich by Mr. Joseph North, or any other person? I am not aware; I came to Sydney by sea immediately after the polling had taken place at Maryborough. Maryborough is about 300 miles from Ipswich.

22. You have not seen Mr. North since, I believe? I have not.

23. *By the Chairman:* You stated that you were a candidate to serve as a Member for Moreton, Wide Bay, Burnett, and Maranoa,—you omitted to state whether you were for Leichhardt and Port Curtis? It was understood there would be polling or voting places at Surat and at Port Curtis at the time.

24. Did you understand that these two districts were included in the whole United Pastoral District? They were always included. During the last election this district was the Burnett District. It has always been the same district. It was the Burnett till it was taken off, being too large for one Commissioner. It is simply a Commissioner's District. W. B. Tooth,
Esq.
16 April, 1858.
25. *By Mr. Jones*: Do I understand you to say that you were present at the nomination? I was present at the nomination.
26. There were two candidates, yourself and Mr. Macalister? Yes.
27. And there was a show of hands taken at the nomination? Yes.
28. In whose favor did the Returning Officer declare the show of hands to be? My opponent's.
29. Did he thereon declare him duly elected, in accordance with the terms of the Act? That I cannot recollect; but I demanded a poll.
30. You do not recollect whether, when a show of hands was taken, he, in accordance with the Act, declared the candidate duly elected? Not at this present moment.
31. *By Mr. Jamison*: You say a poll was taken at Maryborough? Yes; I saw votes taken.
32. *By Mr. Jones*: Can you inform the Committee how many votes were taken? 52 for my opponent, and 56 for me.
33. How do you derive the information? There is one polling-place besides, Tyroom; the votes from that place are not included, but I am informed that the votes polled there were equal; the Deputy-Returning Officer of that place is now in Sydney, and may be examined.
34. From what sources do you derive your information as to the number of votes polled? Partly from the official state of the poll I saw at Gayndah, from what I saw at Maryborough, and the rest from information I received from gentlemen who acted as agents for me at the polling-places.
35. You have no proof to offer to the Committee beyond your present statement, that these were the number of votes polled for yourself and for Mr. Macalister? No; I can prove part.
36. *By Mr. Owen*: Did the Returning Officer, when you demanded a poll, say anything to the effect that the poll should be taken in due course? I believe he did. I took everything as a matter of course that followed after the poll was demanded. It must have been so, for I had one or two conversations with the Returning Officer; because, after the nomination took place, I saw that difficulty would arise, in consequence of his not having taken measures to appoint deputies, and I asked him to swear in his deputies at Ipswich, and send them to the outlying polling-places. I called upon him afterwards for the same object, and he said he had not the power, unless I would hold him harmless.
37. *By Mr. Jones*: You made a demand for a poll? I did. There is a gentleman who was present, who might remember whether Mr. Macalister was ever declared duly elected.
38. On your demanding a poll, did the Returning Officer state that a poll would be taken on a certain day? He stated so on the hustings.
39. *By Mr. Holroyd*: I think you stated that Port Curtis and Leichhardt formed part of the Burnett District originally? Yes.
40. And that it has been only split into Leichhardt and Port Curtis for the convenience of the Commissioners? Yes, for the Commissioners.
41. In 1851 that which is called the Burnett District, in the appendix to the Electoral Act, did include Leichhardt and Port Curtis? Part of each district, but the whole was not then taken up.
42. *By Mr. Hay*: Were you present at any of the polling-places? Yes, at Maryborough.
43. And you say you saw the official declaration of the poll; was that the official declaration of the poll at Maryborough? No. I did not see the official declaration of the poll at Maryborough; I saw the official declaration at Gayndah, sent by the Deputy Returning Officer at Gayndah to Maryborough.
44. Who was he? The Clerk of the Court.
45. Who was the Deputy Returning Officer at Maryborough? Dr. Palmer.
46. Did you not say that one of the Deputy Returning Officers was at Sydney at this present moment? Yes, Mr. Royds, the Deputy Returning Officer at Tyroom.
47. At Tyroom you said you were not quite certain as to the state of the poll? No.
48. *By Mr. Owen*: Where did you see the return that you stated you saw? At Maryborough.
49. Did you see any bundle of voting papers with it? No; they would not come that way.

APPENDIX C.

Alexander Galbraith, Esq., having been sworn, was examined:—

1. *By Mr. Holroyd*: You are a squatter, I believe? I am, in the Burnett District. A. Galbraith,
Esq.
2. I believe you were the seconder of Mr. William Butler Tooth, on the 27th of January last, at Ipswich? I was his proposer. 16 April, 1858.
3. When he stood as a candidate for the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa? Yes.
4. Can you say if a poll was demanded? It was.
5. *By Mr. Tooth*: By Mr. Tooth.
6. Did the Returning Officer fix any time for taking the poll on the hustings? The 12th of February.
7. He announced that? He announced that.
8. Did you attend at any of the polling-places afterwards, on behalf of Mr. Tooth? I did, at Gayndah.
9. Was that one of the polling-places in this Pastoral District? Yes.
10. I believe it is in Maranoa, is it not? No, on the Burnett.
11. Who was the Deputy Returning Officer there? Mr. Michael Airey, the Clerk of the Bench.

- A. Galbraith, Esq.
16 April, 1878.
12. Did he receive any votes at that election on the 12th February? He did.
 13. For one or both of the candidates? For both.
 14. Did you see the voting papers handed in to him at any time during the day? Yes; I was there at the time, and saw the voting papers.
 15. Can you say what were the relative numbers that Mr. Macalister and Mr. Tooth polled at Gayndah? 34 for Mr. Tooth and 1 for Mr. Macalister.
 16. Did you hear from the Deputy Returning Officer at Gayndah the state of the poll when it closed at Gayndah? It was stated at the Court House, immediately the poll was closed at four o'clock. The numbers were on a piece of paper exhibited.
 17. By whom? By the Deputy Returning Officer.
 18. That gave 34 to Mr. Tooth and 1 to Mr. Macalister? Yes.
 19. Mr. Arthur Macalister, the other candidate? Yes.
 20. Do you know where Mr. Royds is to be found? No, I do not; he was living with me, but I have not seen him this morning.
 21. Do you know if the voting papers were returned by the Deputy Returning Officer at Gayndah to Mr. North? I do not know whether they were returned; but I told him he ought to enclose them to the Returning Officer.
 22. You told Mr. Airey he ought to enclose them to Mr. North? Yes.
 23. Is there a post from there to Ipswich? Yes; once a week.
 24. *By Mr. Owen*: You do not know whether they were returned? No; but I have reason to think they were returned, for he promised me at the time he would return them; but I do not know, for I left immediately afterwards.

APPENDIX D.

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

To Joseph North, Esquire, Returning Officer for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, in our Colony of New South Wales,

GREETING:—

By virtue of the powers in us vested, we do hereby direct that an Election be held for the return of a Member to serve in the Legislative Assembly of our said Colony, for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, and that the Nomination for such Election be held at Ipswich, on the twenty-seventh day of January next; and that in the event of such Election being contested, the poll at the different polling-places for the said Electoral District be taken on Friday, the twelfth day of February next; and we do further direct, that you certify under your hand by endorsement on this our Writ the name of the Member who shall be elected, and that you cause this our Writ, with such certificate so endorsed thereon as aforesaid, to be returned to us at Sydney, on Saturday, the twenty-seventh day of February next.

In testimony whereof, we have caused the Great Seal of our said Colony to be affixed to this our Writ.

(L.S.) Witness our trusty and well-beloved SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of our Territory of New South Wales and its Dependencies, at Government House, Sydney, in our said Territory, this twenty-third day of December, in the twenty-first year of our reign, and in the year of our Lord one thousand eight hundred and fifty-seven.

By His Excellency's Command,
CHARLES COWPER.

W. DENISON.

[ENDORSEMENT.]

This Writ was received by me, this fourth day of January, one thousand eight hundred and fifty-eight.

JOSEPH NORTH,
Returning Officer.

I hereby certify, that no person was duly chosen a Member for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, Maranoa, Leichhardt, and Port Curtis, to serve in the Legislative Assembly of New South Wales, in consequence of there being no Mail to forward my letters appointing Returning Officers at Rannes, and Gladstone, and in consequence of there being no Returning Officer at Surat.

JOSEPH NORTH,
Returning Officer.

APPENDIX

APPENDIX E.

(58-48.)

*Colonial Secretary's Office,
Sydney, 30 March, 1858.*

SIR,

I am directed by the Colonial Secretary to transmit to you a certificate, under the hand of the Governor General, of the return of the Writ for the Election of a Member to serve in the Legislative Assembly, for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, together with the Writ alluded to, on which it is certified by the Returning Officer that no person was duly chosen for such Electoral District.

2. I am at the same time desired to state, that this Writ was originally received at this Office on the 12th instant, without any return being made upon it, accompanied by a letter from the Returning Officer, of which I enclose a copy, explaining the reasons for his having so forwarded it. The Law Officers were then consulted as to the proper course to be followed; and, under their opinion, which is transmitted for your perusal, the Writ was sent back to the Returning Officer, with an intimation that, by the Electoral Act, he is required to endorse on the Writ the name of the person who was duly elected for his District, or, if unable to make such endorsement, that he should state on the back of the Writ that no person was duly elected, and the facts which prevented the completion of the Election.

3. The Writ has now been returned, as stated in His Excellency's certificate; and as Parliament is in session, it appears to the Colonial Secretary that the proper course is to place it in your possession.

I have, &c.,

W. ELYARD.

THE HONORABLE
THE SPEAKER OF THE
LEGISLATIVE ASSEMBLY.

Ipswich, March 3, 1858.

SIR,

I do myself the honor to draw your attention to the following circumstances, which seem to me to be of the utmost importance, sufficiently so to induce me to enclose the Writ at present in force.

There are eight polling-places for the District for which I have the honor of being Returning Officer; from three of these, viz., Gladstone, Rannes, and Surat, I have not received any Voting Papers, nor am I aware that any poll has been opened at any of these places.

On the supposition that Postal Communication still existed to Gladstone, I posted my letters to those gentlemen, whom I requested to act as Deputy Returning Officers. I am now assured that no post exists between Gladstone, Rannes, and Gayndah, and as this last-named place is 600 miles distant from the chief polling-place at Ipswich, the poll could not have been opened except by express, and at a heavy expense.

The poll at Surat failed, as I have been informed, from the absence of the gentleman I applied to, and who, I believe, is the only person resident in that locality.

These circumstances will point out the impossibility in so limited a time, to comply with my instructions of 7th January, 1858.

I am of opinion that the only sure way of taking the poll under a new Writ would be for the Government to authorize me to incur the expense of sending Deputy Returning Officers to the various polling places in these Districts.

I have, &c.,

JOSEPH NORTH,

Returning Officer.

THE HONORABLE
THE COLONIAL SECRETARY,
&c., &c., &c.,
Sydney.

APPENDIX F.

I, SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, the Governor General of all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Governor-in-Chief of New South Wales, do hereby certify, that the accompanying Writ for the Election of a Member to serve in the Legislative Assembly, for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, has this day been returned to me, with the Certificate of the Returning Officer endorsed thereon, that no person was duly chosen a Member for such Electoral District.

Given under my Hand and Seal, at Government House, Sydney, this twenty-ninth day of March, in the Year of our Lord, one thousand eight hundred and fifty-eight, and in the twenty-first Year of Her Majesty's Reign.

(L.S.)

W. DENISON.

APPENDIX G.

IN THE MATTER OF THE WRIT FOR MORETON, WIDE BAY, &c.

1. The Returning Officer for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa, has sent back the Writ, directed to him by the Governor General, without making any return thereto, and has explained his reasons for so doing in a letter, dated on the 3rd instant, and detailing circumstances which lead to the conclusion, that no person was duly elected a Member for that Electoral District on the 12th day of February, 1858, the day named in the Writ, for taking the poll at the different polling-places in the district, in the event of the Election being contested.

2. The Returning Officer does not state positively that no poll was opened at Gladstone, Rannes, or Surat, but he says, that he has not received any Voting Papers from any of these places, and that he is not aware that a poll has been opened at any of them. And as it appears from a subsequent portion of his letter, that the poll at Surat failed from the absence of the gentlemen applied to by the Returning Officer to act as his Deputy, and that the poll at Rannes could not have been opened, inasmuch as the letter containing the requisite authority was addressed by post to a place with which there was no postal communication, there seems to be no reason to doubt that the Election for the Electoral District of Moreton, &c., was a void Election, by reason of the poll not having been taken at each of the different polling-places for the district on the same day. This point was unanimously decided by the Committee of Elections and Qualifications of the Legislative Council in 1854, in the matter of a petition by the Rev. J. D. Lang, against the return for the County of Stanley, and that decision, as I have been informed, is in harmony with a previous decision of the same body.

3. The 44th section of the Electoral Act, 14 Vict, No. 48, requires the Returning Officer, as soon as may be practicable after the Election shall have been held, to declare openly the general state of the poll at the close of the Election, and at the same time to declare the name or names of the person or persons who may have been *duly elected* at such Election. The Returning Officer appears to fill, as in England, a mixed character, partly ministerial and partly judicial,—(see Section 41 of the Electoral Act)—and if he be satisfied, from circumstances which have come to his knowledge, that *no person* has been *duly elected*, he ought to make a special return accordingly, stating the facts which have prevented the completion of the Election, and then a new Writ may be ordered, or the Return itself, if petitioned against, may be amended. At present he has made no Return at all, and therefore I am of opinion that the Writ should be transmitted to him, with an intimation on the part of the Government that he is required by the Electoral Act to endorse on the Writ the name of the person who was duly elected for his district; but that, if he finds himself unable to make such an endorsement, he must state, on the back of the Writ, that no person was duly elected, and the facts which prevented the completion of the Election. It appears from the Knaresborough case, (2 Peck. 383,) that the House of Commons will receive a special Return, if every reasonable effort has been made to proceed in the Election.

ALFRED P. LUTWYCHE,
Solicitor General,
13 March, 1858.

APPENDIX H.

The course proposed to be taken is the correct one. I am not quite sure, however, that the Assembly ought to be satisfied with the manner in which the Returning Officer has performed his duty. The House of Commons would, in all probability, visit such conduct with punishment. It seems to me, that after the Writ is laid before the Assembly, four weeks must elapse before anything can be regularly done, because there may within that time be a Petition presented by some one claiming that he ought to be returned. At the expiration of the four weeks, the House must pass a *special resolution* to authorise the issue of a new Writ—the case being wholly unprovided for in the Constitution Act.

JAMES MARTIN,
Attorney General.

30 March, 1858.

1858.

Legislative Assembly.
NEW SOUTH WALES.

SPECIAL RETURN TO WRIT.

(MORETON, WIDE BAY, BURNETT, MARANOA, PORT CURTIS, AND LEICHHARDT.)

REPORT FROM THE SELECT COMMITTEE

ON THE

SPECIAL RETURN TO WRIT.

(MORETON, WIDE BAY, BURNETT, MARANOA, PORT CURTIS, AND LEICHHARDT.)

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE, AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
26 *May*, 1858.

SYDNEY:
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PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 6. WEDNESDAY, 31 MARCH, 1858.

Special Return to Writ:—The Speaker having reported that he had this day received from the Governor General a Writ which had been issued by His Excellency on the 23rd day of December last, for the Election of a Member to serve in this House during the present Parliament for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, which had been made returnable on the 27th day of February last, upon which the Returning Officer had made a Special Return, to the effect that “no person was duly chosen a Member” for the said Electoral District, in consequence of there being no mail to forward his letters appointing Returning Officers at Rannes and Gladstone, and in consequence of there being no Returning Officer at Surat,—together with a Certificate, under the Hand and Seal of the Governor General, to the effect that the said Writ, with the said Special Endorsement thereon, had been received by His Excellency from the Returning Officer on the 29th instant,—

And a Debate arising as to the diligence used by the Returning Officer in this case,—
Mr. Hodgson moved,—

(1.) That the Writ for the Election of a Member for the Electoral District of the United Pastoral Districts of Morton, Wide Bay, Burnett, and Maranoa, and the Special Return endorsed thereon, be referred to a Select Committee of this House, to inquire into, and report thereon, with liberty to send for persons and papers.

(2.) That such Committee consist of the following Members:—Mr. Donaldson, Mr. Buckley, Mr. Macarthur, Mr. Owen, Mr. Dalley, Mr. Richardson, Mr. Jones, and Mr. Forster.

Question put and passed.

VOTES No. 8. THURSDAY, 8 APRIL, 1858.

Special Return to Writ:—The Speaker having laid upon the Table all the Papers which had come to his hands in reference to the Writ for Moreton, Wide Bay, Burnett, and Maranoa, and to the Special Return made thereon, consisting of,—

(1.) Letter from the Colonial Secretary to the Speaker, of 30th ultimo,

(2.) Certificate under the Hand and Seal of the Governor General of the receipt of the said Writ, by His Excellency, with the Special Endorsement thereon, on the 29th ultimo,

(3.) Copy of a Letter from the Returning Officer to the Colonial Secretary, of 3rd ultimo, in explanation of the Special Return made by him,

(4.) The Solicitor General's opinion,

(5.) The Attorney General's opinion,—

Mr. Owen, on behalf of the Chairman, Mr. Hodgson, moved, That these several Papers be referred to the Select Committee on the Special Return to Writ;—

Question put and passed.

VOTES No. 34. WEDNESDAY, 26 MAY, 1858.

4. Special Return to Writ:—Mr. Hodgson, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before, the Select Committee to whom was referred on the 31 March last, the Writ for the Election of a Member for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, with an instruction to inquire into and report upon the Special Return endorsed thereon.

Ordered to be printed, together with the Minutes of Proceedings and Appendices.

1858.

SPECIAL RETURN TO WRIT.

MORETON, WIDE BAY, BURNETT, MARANOA, PORT CURTIS, AND LEICHHARDT.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 31st March last, the Writ for the Election of a Member for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, with an instruction to inquire into and Report upon the Special Return endorsed thereon, and with liberty to send for persons and papers,—and to whom were referred, on the 8th ultimo, certain papers which came into the hands of the Honorable the Speaker in reference to the said Writ,—have agreed to the following Report:—

In conducting the investigation referred to them, your Committee having examined several witnesses, and having placed themselves in communication with the Returning Officer for the Electoral District of Moreton, Wide Bay, Burnett, Maranoa, &c., have arrived at the following conclusions.

It appears that Mr. Joseph North (the Returning Officer) received the Writ from the Colonial Secretary's Office on *4th January last, but neglected to appoint any Deputy-Returning Officer until the day of nomination, the 28th of the same month; assigning as a reason for such neglect, that he did not anticipate any opposition to Mr. Tooth's return, until within a few days of the nomination, when Mr. Macalister's address to the constituency first arrested his attention. It is proved,† however, that on and after the day of nomination Mr. North did endeavour to appoint the Deputy Returning Officers at the different polling-places, but owing to the great outlying distances, and the absence of regular postal communication, the appointments of Deputy Returning Officers at Gladstone, Rannes, and Tooroom, did not reach their destination until after the day of Election, February 12th.

It further appears that the letter containing the appointment of the Deputy Returning Officer at Surat was accidentally forwarded from Ipswich to Gayndah, and there opened by ‡Mr. M'Phail, and by him forwarded through the post to Surat, which place it did not reach until after the day appointed for taking the poll, but there is no evidence before your Committee to show how this mistake arose, unless through the letter having been illegibly directed by Mr. J. Fleming, who, at the request of the Returning Officer, addressed the letter previous to its being posted at Ipswich.

It is the opinion of your Committee that Mr. North was guilty of negligence in not appointing his Deputy Returning Officers at the several polling-places immediately upon the receipt of the Writ, and that he did not exercise due caution in permitting Mr. Fleming (the proposer of one of the candidates) to enclose under the same cover with Mr. Mackay's appointment a private communication to the Deputy Returning Officer at Surat, the purport of which, as appears from the letter§ attached to the evidence, was intended to be expressive of a feeling of partiality for Mr. Macalister, one of the rival candidates; on the other hand, your Committee absolve Mr. North from any culpable misconduct or wilful partiality.

From the evidence which has been adduced, your Committee strongly recommend that Ipswich be no longer retained as the chief polling-place for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa, but that it be removed to Gayndah, as being more central and convenient; but, in the event of no such alteration taking place, your Committee are of opinion that Mr. North has proved himself unfit to discharge the duties of Returning Officer.

Legislative Assembly Chamber,
Sydney, May 26, 1858.

ARTHUR HODGSON,
Chairman.

PROCEEDINGS

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 7 APRIL, 1858.

Members Present:—Mr. Hodgson,
Mr. Jones,
Mr. Owen,Mr. Donaldson,
Mr. Buckley,
Mr. Richardson.

Mr. Hodgson was called to the Chair.

The Chairman, at the request of the Committee, read the Writ issued by the Governor General, on the 23rd December last, for the election of a Member to serve in the Legislative Assembly, during the present Parliament, for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, Maranoa, Port Curtis, and Leichhardt, made returnable on 27th February last, upon which the Returning Officer (J. North, Esquire,) had made a Special Return, to the effect that *no person was duly chosen a Member for the said Electoral District, "in consequence of there being no Mail to forward his letters appointing Returning Officers at Rannes and Gladstone, and in consequence of there being no Returning Officer at Surat."*

Ordered to be printed in Appendix. (*Vide Appendix A.*)

Committee deliberated, and the Chairman having stated that he had requested the Clerk of the Assembly to summon three gentlemen before the Committee, as witnesses for the day, and that their evidence would be found of importance in furthering the inquiry, and, in the case of two of the gentlemen, might not be obtainable without great difficulty and expense at a subsequent period,—

It was *Resolved* :—

"That the witnesses now in attendance be forthwith examined."

Whereupon—

Mr. *Alexander Galbraith* called in and examined.

Witness withdrew.

Mr. *J. Philpott* called in and examined.

Witness withdrew.

Mr. *W. B. Tooth* called in and examined.

Witness withdrew.

Committee further deliberated.

Motion made (Mr. *Jones*) and *Question*, "That the Under Colonial Secretary be summoned before the Committee for to-morrow, with an instruction that he himself, or one of the officers of his department, be then prepared to supply the Committee with a certified copy of a letter from the Returning Officer to the Colonial Secretary, dated 12 February last; and also of a letter addressed by the Colonial Secretary to the Returning Officer, in reply to his communication of the 3rd ultimo; and that Henry Boyle, Esquire, be also summoned before the Committee as a witness for to-morrow"—*agreed to.*

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

THURSDAY, 8 APRIL, 1858.

Members Present:—

A. Hodgson, Esquire, in the Chair.

Mr. Owen,
Mr. Jones,Mr. Richardson,
Mr. Buckley,

Mr. Forster.

The Clerk informed the Committee that, by the direction of the Chairman, he had, since the last meeting of the Committee, searched through files of the *Government Gazette*, and the *Moreton Bay Courier*, and *North Australian* newspapers, published in January and February last, to ascertain whether the Returning Officer had given notice therein of the day of nomination and the day of polling, as fixed under the Writ received by him on the 4th January last, and that he found in the *Government Gazette* and *Moreton Bay Courier* that no such notice was published, but that such notice appeared in the *North Australian* on the 12th, 19th, and 26th of January, and 2nd and 9th of February last.

Committee deliberated.

Mr. *Maxwell R. Allan*, Clerk in the Colonial Secretary's Department, then examined:—

And Mr. *Allan*, in the course of his examination, having handed in, on behalf of the Under Colonial Secretary, certified copies of the two letters he was summoned yesterday to supply to the Committee,—

The Chairman, at the request of the Committee, read the same. (*Vide Appendix C, Nos. 1 and 2.*)

Mr. *Henry Boyle*, C. C. Lands, at Surat, then examined:—

Committee

Committee further deliberated, and it was *Resolved*,—

“ That before proceeding further with this inquiry, 15 copies of the evidence taken be struck off for the information of Members of the Committee, and that the Chairman do transmit a copy to Mr. J. North, the Returning Officer, with an intimation to the effect that he is at liberty either to make a statement in writing to the Committee, in reply to the allegations contained therein, provided such statement is made without any unnecessary delay, or to appear before the Committee and give evidence in the matter, in which latter case he should communicate with the Chairman forthwith, stating the earliest possible day when he will be able to be in Sydney.”

[Adjourned.]

WEDNESDAY, 28 APRIL, 1858.

Members Present :—

A. Hodgson, Esquire, in the Chair.

Mr. Donaldson,
Mr. Jones,
Mr. Forster,

Mr. Owen,
Mr. Macarthur,
Mr. Buckley.

By direction of the Chairman, an Order from the Clerk of the Assembly, dated 16th instant, requiring the Clerk of Select Committees to deliver to him all the Papers referred by the House to the Committee, in order that he might produce them before the Committee of “ Elections and Qualifications,” read by the Clerk.

Ordered to be entered on the Minutes, and entered accordingly, viz. :—

“ Mr. Calvert,

“ I shall require all the Papers referred by the House to the Committee on the ‘ Special Return to Writ,’ to produce them to-day to the Committee of ‘ Elections and Qualifications,’ and you will therefore let me have them forthwith, as the Committee meet at *Eleven* o’clock to-day.

“ These Papers will be returned to your custody, as soon as the Committee of ‘ Elections and Qualifications’ shall have done with them; and if the Committee on the ‘ Special Return to Writ’ meet in the meantime, you will produce this Order, which will be your sufficient authority for delivering up the Papers, and which ought, upon such production, to be entered upon your Minutes, as shewing how they came under consideration of two Committees at one and the same time.

“ *Legislative Assembly Offices,*
“ 16 April, 1858.”

“ R. O’CONNOR,
“ Clerk of Legislative Assembly.”

The Clerk then informed the Committee that he had, in compliance with the Order just read, delivered these Papers (*five*) to Mr. O’Connor on the same day, but that they had been restored to his custody *this day*, for the use of the Committee. Committee deliberated.

By direction of the Chairman, Resolution of the House, referring to the Committee on the 8th instant all the Papers which had reached the Honorable the Speaker, in reference to the Writ for Moreton, Wide Bay, Burnett, and Maranoa, and to the Special Return made thereon, consisting of—

“ Letter from the Colonial Secretary to the Speaker, transmitting the following Documents, viz. :—

“ (1.) Certificate, under the Hand and Seal of the Governor General, of the receipt of the said Writ by His Excellency, with the Special Endorsement thereon, on the 29th ultimo.

“ (2.) Copy of a Letter received by the Colonial Secretary from the Returning Officer, dated 3rd ultimo, returning the Writ, and stating certain reasons which incapacitated him from making any Return for the said Electoral District.

“ (3.) Opinion of the Solicitor General thereupon.

“ (4.) Opinion of the Attorney General thereupon.”—

read by the Clerk.

Ordered to be printed in Appendix. (*Vide Appendix B and 4 Enclosures.*)

The Chairman having then informed the Committee, that under a Resolution agreed to at their last Meeting, he had, on the 13th instant, addressed a Letter to the Returning Officer, in the terms of such Resolution, and that in reply to such letter he had, on the 26th instant, received a communication from Mr. North, dated 20th instant;—

Motion made (*Mr. Jones*) and *Question*—“ That these Letters be now read by the Clerk.”

Agreed to.

Letters read accordingly.

Ordered to be printed in Appendix. (*Vide Appendix D 1 and 2.*)

Mr. Joseph Fleming, examined.

The Chairman then stated, that in conformity with a desire expressed by certain Members of the Committee at their last Meeting, he had directed the Postmaster General to be summoned before the Committee *this day*, either in his own person, or by one of the officers of his department, for the purpose of affording the Committee the fullest particulars relative to the postal arrangements existing in *January* and *February* last, as well as those at present in force between Ipswich and the various polling-places (7)

in

in the Electoral District of the United Pastoral Districts of Moreton, Wide Bay Burnett, Maranoa, &c, and also requested him to be in a position to inform the Committee of the number of days which it would probably occupy to communicate with each of the said polling-places from Ipswich;—and that, in answer to such summons, the Postmaster General was himself in attendance.

Motion made (*Mr. Donaldson*) and *Question*—“That the Postmaster General be forthwith called in and examined”—*agreed to.*

Major *W. H. Christie*, Postmaster General, examined.

Committee deliberated, and being of opinion that no further evidence was necessary for the purposes of this inquiry, proceeded to consider the heads of their Report.

Motion made (*Mr. Jones*) and *Question*,—

“ (1.) That the Chairman prepare a Draft Report for the consideration of the Committee.

“ (2.) That it is expedient, however, that a further letter should be addressed to Mr. North, requesting him to forward, without delay, the letters and other documents alluded to in his communication of the 20th instant.

“ (3.) That the Committee should defer the consideration of the Draft Report to be prepared by the Chairman, so as to admit of the reception of these documents.”
Agreed to.

[Adjourned.]

WEDNESDAY, 26 MAY, 1858.

Members Present:—

A. Hodgson, Esquire, in the Chair.

Mr. Jones,

|
Mr. Forster.

Mr. Macarthur,

The Chairman laid before the Committee a further letter from the Returning Officer, dated 27th ultimo, transmitting certain other documents having reference to his appointment of Deputy Returning Officers.

Motion made and *Question*,—“That the letter, together with its enclosures, be now read by the Clerk,”—*agreed to.*

Letter and enclosures read accordingly.

Ordered to be printed in Appendix. (*Vide Appendix E, 1, 2, 3, & 4.*)

The Chairman then informed the Committee that, prior to the receipt of these documents, he had, on the 28th ultimo, addressed a further communication to the Returning Officer, urging *their* immediate transmission, and that of any other documents in his possession bearing upon the inquiry, to which communication he had at present received no reply.

The Chairman further informed the Committee that on the receipt of Mr. North's last letter, he had immediately communicated with Mr. J. G. Mackay, the Deputy Returning Officer at Surat, requesting that he would at once forward to the Committee Mr. North's communication to him of the 29th January last, appointing him to act as Deputy Returning Officer, together with Mr. Joseph Fleming's letter sent therewith, and that he had, in answer thereto, on the 22nd instant, received a letter from Mr. Mackay, transmitting the same.

Whereupon motion made and *Question*,—“That these documents be now read,”—*agreed to.*

Documents read accordingly.

Ordered to be printed in Appendix. (*Vide Appendix F, 1 & 2.*)

Committee deliberated.

The Chairman then brought up and laid before the Committee a Draft Report.

Motion made and *Question*,—“That the Draft Report proposed by the Chairman be now read,”—*agreed to.*

Draft Report read accordingly, and certain *verbal* amendments made therein.

Whereupon motion made (*Mr. Jones*) and *Question*,—

“ (1.) That the Draft Report, as *verbally* amended, be the Report of the Committee.

“ (2.) That it be an instruction to the Chairman, in laying the Report on the Table of the House, to give notice that he will on Friday next, move for its adoption.”—

Agreed to.

Chairman requested to Report to the House.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

SPECIAL RETURN TO WRIT.

WEDNESDAY, 7 APRIL, 1858.

Present:—

Mr. ARNOLD,	Mr. HODGSON,
Mr. BUCKLEY,	Mr. JONES,
Mr. DONALDSON,	Mr. OWEN,
Mr. RICHARDSON.	

ARTHUR HODGSON, Esq., IN THE CHAIR.

Alexander Galbraith, Esq., called in and examined:—

1. *By the Chairman:* Is your name on the Electoral Roll for the District of Burnett, A. Galbraith, Wide Bay, and Maranoa? Yes.
2. Were you present on the day of nomination at Ipswich? I was.
3. Do you recollect the day of the month? The 28th or 29th of January.
4. What part did you play on that occasion? I proposed William Butler Tooth, as being a fit and proper person to represent the interests of that Electorate.
5. Was that proposal duly seconded? It was seconded by Mr. Thomas de Lacy Moffatt.
6. Was any other person proposed? Mr. Macalister was proposed by Mr. Fleming.
7. And duly seconded? Yes.
8. Was a show of hands called for? Yes, and declared in favor of Mr. Macalister.
9. Was a poll demanded on the part of Mr. Tooth? Yes.
10. Did any conversation take place between you and the Returning Officer? Not between me and the Returning Officer, but there was some conversation between him and Mr. Tooth. The Returning Officer did not seem to know where the polling-places were.
11. Were you present? Yes. If the Committee will allow me I will detail the whole proceedings. On the morning of the nomination, Mr. Tooth and I went down to the Court House. I proposed Mr. Tooth and Mr. Moffatt seconded him. Mr. Tooth, being a stranger in the place, wished to give Mr. Macalister the first opportunity to address the electors in the Court room, but Mr. Macalister not coming forward he addressed them himself; after that Mr. Macalister addressed them, and when he had concluded, Mr. North, the Returning Officer, called for a show of hands, and the show of hands was, of course, in favor of Mr. Macalister, for I do not suppose that more than seven or eight of the people there were electors. Immediately after the show of hands, Mr. Tooth demanded a poll, and went up to Mr. North and said to him, "Now, Mr. North, I request you will get your Deputy Returning Officers appointed at once, and start them away, for there is very little time." Mr. North said he would. In fact Mr. North did not seem to know where the polling-places were. I cut out of the paper Mr. Macalister's address to the electors, and at the end of it the polling-places were mentioned; I took it out of my pocket and handed it to Mr. Tooth, who read to Mr. North where the different polling-places were.
12. Will you look at that (*handing a paper to witness*) and say whether that is the address? Yes.
13. Do you wish the Committee to understand, from what you have said, that Mr. North was not aware of the names of all the polling-places? He was not; he did not know them; for,

7 April, 1858.

A. Galbraith, for, when Mr. Tooth told him he demanded a poll, he read over the paper, and did not know where the polling-places were till then.

14. *By Mr. Owen*: Did he say he did not know them? He did not appear to know them. He looked round the place, and seemed quite in a flurry at the time.

7 April, 1858.

15. Did he make any observation that he was not acquainted with the polling-places? No.

16. *By the Chairman*: Did he say anything about the appointment of Deputy Returning Officers? Not then.

17. At any time? After that he came to the North Australian Club, and said to Mr. Tooth that he would use every effort to get Returning Officers sent up.

18. Is it your impression that the Deputy Returning Officers were or were not appointed on the day of nomination? They were not.

19. Are you satisfied, in your own mind, that they were not? In my own mind I am satisfied there was no precaution taken before the day of nomination that Deputy Returning Officers should be appointed. The whole thing was left open.

20. Will you state what occurred within a few miles of Gayndah? I went to Gayndah with Mr. Tooth, and three miles from that place we met a publican who keeps a most disreputable house, for which I have tried to take away the license; at his public house Mr. Tooth and myself could get no accommodation—nothing to eat or drink—and we had to go about a mile further and stop at a private station. This person I met the next morning, and he informed me that he had got a letter from Mr. North requesting him to go up to act as his Deputy Returning Officer at Surat.

21. Will you state the publican's name, and about what date you met him? It was on the 7th of February. His name is M'Phail; I do not know his Christian name.

22. How far is Gayndah from Surat? As near as I can tell, about three hundred miles.

23. Would you, if you had been the Returning Officer at Ipswich, have sent a letter to Gayndah first, and then to Surat, to appoint a deputy? No, because in travelling by that route you make more than a triangle; you go up first in one direction, and then come back in an almost opposite direction.

24. *By Mr. Owen*: What is the distance from Ipswich to Surat by way of Gayndah? About four hundred and twenty miles.

25. And the distance by the nearest road? I should say only about two hundred and fifty miles.

26. *By the Chairman*: Was it possible for this man M'Phail to have reached Surat from the time he received the letter before the polling day? Yes, if he rode fifty miles a day.

27. *By Mr. Owen*: Did you see the letter? No; I was told of it by Power, the publican, and M'Phail.

28. *By Mr. Richardson*: Why was it sent so far about—was the direct road bad? No; there is a mail goes there regularly.

29. *By Mr. Jones*: What is the post track from Ipswich to Surat? To Drayton, Dalby, and then down the Condamine.

30. *By the Chairman*: Is there not a regular mail communication between Ipswich and Surat by the route you name? I believe there is. On the morning after the nomination Mr. Tooth's agent started away, and he was in Surat in plenty of time; he went by Drayton and Dalby, I believe.

31. *By Mr. Jones*: When did M'Phail say he had got the letter from Mr. North? Two or three days previous.

32. You met him on the 7th of February? Yes.

33. You would suppose he received the letter about the 4th? I should suppose he did. This M'Phail, I should say, was about the last person in the world to appoint as Deputy Returning Officer, for he is such a disreputable sort of person.

34. *By Mr. Richardson*: Did you remark to M'Phail that this was a roundabout way of sending a letter? No; I only saw him for a few minutes, as Mr. Tooth and I were going down. I did not see the letter myself, but I was told by Power, who has the inn at Gayndah, and also by his brother-in-law, that Mr. North had written to M'Phail to request him to go down to Surat as his deputy, and also to use his influence in favor of Mr. Macalister.

35. That is hearsay? Yes, it is all hearsay.

36. *By Mr. Owen*: Why did the Returning Officer select M'Phail? I do not know.

37. Was it because there was no other resident in Surat that he could appoint? There might be some persons there.

38. Are there any persons in that locality whom you are aware are competent? I am not able to say; I have not been down there myself.

39. *By Mr. Jones*: Did I understand you to say that M'Phail told you he had received a letter from Mr. North? Yes.

40. Asking him to proceed to Surat as Deputy Returning Officer? Yes.

41. And he received this about the 4th February? I suppose so; he could not have received it much earlier than the 4th, for I met him on the 7th.

42. When was the poll to take place? On the 12th February.

43. *By Mr. Owen*: Did you understand that it was a letter, or in the form of the usual authority—"I hereby appoint, &c."? It was a letter.

44. Asking whether he would do it—not an authority to act? Yes, and saying if he did did not go he was to get some one else.

45. *By Mr. Buckley*: You did not see the letter? No.

46. *By the Chairman*: Is there a post between Ipswich and Gayndah? Yes, once a week.

47. *By Mr. Buckley*: Would it have been possible for any person to have reached Gladstone from Ipswich between the day of nomination and the polling day? Plenty of time.

48. *By the Chairman*: Will you look at the address of Mr. Macalister, and state the date of it? The 17th January.

49. From that date would you suppose there was to be a contest for that district? Yes.

50. It was matter of notoriety that there would be a contest from that date? Yes.
51. Did M'Phail say to you, when he told you he had got this power from the Returning Officer, that he was going to Surat, or that he was not going? He said he had got the letter, and would not, and could not go; and he told me at the same time that he had left the letter in Gayndah to be forwarded to the Chief Constable at Surat.
52. Is there any post from Gayndah to Surat? None.
53. How was it to be forwarded? It would require to be forwarded to Ipswich before it could get to Surat.
54. *By Mr. Owen*: Do you know when Mr. North got the Writ? I am not aware.
55. When the polling took place, or between the nomination and the polling, did any conversation occur with Mr. North at all respecting the proceedings? No; I left the day after the nomination.
56. *By Mr. Buckley*: Have you any idea of the distance between Port Curtis and Ipswich? No; I have never been up that way.
57. *By Mr. Owen*: Is Mr. North in any way connected with either of the candidates? No, not in the least, that I am aware of.
58. *By Mr. Richardson*: Did he sympathise with either of them in a political point of view? I should say so.
59. *By the Chairman*: Do you see the name of Mr. North in the requisition to Mr. Macalister? Yes, there is the name of his brother here.

A. Galbraith,

Esq.

7 April, 1858.

James Philpott, Esq., called in and examined:—

1. *By the Chairman*: Are you an elector for the Pastoral District of Burnett, Wide Bay, and Maranoa? I was; I have sold my station, therefore have no vote.
2. Is your name upon the Electoral Roll? Yes.
3. Will you be good enough to state to the Committee any conversation that may have passed between you and a person named M'Phail? There was no conversation between myself and M'Phail. There was a letter sent to me that he had received from the Returning Officer appointing M'Phail his Deputy Returning Officer at Surat.
4. How did you get that into your possession? It was brought up to me by a person of the name of Campbell. I was staying at the inn in Gayndah, being on my way to Sydney. I was in bed at seven o'clock in the morning when this letter was brought to me, and I was asked if I would go back to act as Deputy Returning Officer at Surat. I said I would if they would secure me, as I was coming down by my horses, and should be at some expense.
5. Will you state the nature of that letter? It was requesting M'Phail to act as Deputy Returning Officer at Surat, or to appoint some one else, and at the same time requesting him to use his interest on the part of Mr. Macalister.
6. Was that letter signed by Mr. North? It was signed by North, Returning Officer; I do not know the Christian name.
7. You cannot recollect the exact words of the letter? No, for I paid little attention to it.
8. *By Mr. Owen*: What is your best recollection of its contents? Its effect was to request M'Phail to use his interest on the part of Mr. Macalister.
9. Was it the same letter that contained the authority to act? Yes.
10. Are you quite certain? Yes; and there was another paper enclosed, leaving the name blank.
11. Do you know Mr. North's writing? I never saw it before.
12. Was it signed North? Yes.
13. Would you know the writing again? I think I would; it was a very large handwriting.
14. *By Mr. Donaldson*: Is that the same (*handing a paper*)? That is a similar signature.
15. *By Mr. Jones*: Was the letter of appointment to M'Phail in the same hand as the appointment in blank? I could not say; I merely took notice of the letter appointing him.
16. You did not notice whether the signature to the appointment was the same as that to the letter to M'Phail requesting him to accept the office? No, I did not.
17. *By Mr. Richardson*: Are you aware that Mr. North, the Returning Officer, has a brother at Ipswich? I believe so.
18. You do not remember the first name, whether Joseph or Frank North? I know that there were the words "Returning Officer" underneath.
19. *By Mr. Jones*: You are now speaking of the letter? Of the letter.
20. *By the Chairman*: It was brought to you with the idea of ascertaining whether you would go? Yes.
21. That was why you saw it? Yes.
22. Do you recollect the day you saw it? I think six or seven days before the time the election was to come off—somewhere about the 5th, I think. I know I made the calculation that I should have had to ride some forty miles a day to have got there, and lost no time.
23. If you wanted to send a letter from Surat to Ipswich would you send it by Gayndah? No.
24. Why? Because it would be out of the way; it would have to go back again.
25. *By Mr. Richardson*: What is the distance from Ipswich to Gayndah? I suppose two hundred and forty miles.
26. *By Mr. Buckley*: Have you any idea why M'Phail was asked by the Returning Officer to act as his deputy? No.
27. Do you know if there was any other party who could have attended at Surat? No; I do not know the district.
28. *By the Chairman*: What do you consider the distance from Gayndah to Surat? I am unable to say; somewhere about three hundred miles, as well as I can tell.
29. Can you tell us the distance from Ipswich to Surat by Drayton? That I do not know; somewhere

J. Philpott,

Esq.

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- J. Philpott, Esq. somewhere about two hundred and sixty or two hundred and seventy miles, I think; I was talking to Mr. Fleming, and he told me it was about that distance.
- 7 April, 1858. 30. Can you tell the Committee who M'Phail was? A publican, at Coranga.
31. At the present moment? Yes.
32. *By Mr. Owen:* What sort of an inn does he keep—is it a public house? It is a common place.
33. *By Mr. Buckleg:* Is he a respectable man? I do not know what you call respectable.
34. Is he man that you would appoint as your deputy? Certainly not.
35. *By Mr. Jones:* You do not remember whether, in the letter to M'Phail, Mr. North made the request that he would use his influence in favor of Mr. Macalister, contingent upon his not being able to proceed to Surat to act as Deputy Returning Officer? No; I do not think so.
36. Are you aware whether, in the event of his proceeding to Surat as Deputy Returning Officer, he was requested to use his influence, or whether he was asked to do so if he did not act as Returning Officer? It was a request to use his influence in favor of Mr. Macalister; I do not know in what way.
37. He simply asked him to proceed to Surat to act as Deputy Returning Officer, and if he could not do so, to get some one else, and then went on to say that he would be glad if Mr. M'Phail would use his influence for the return of Mr. Macalister? Yes.
38. *By Mr. Owen:* You were not present at the polling? At Maryborough I was, but not at Gayndah.
39. *By Mr. Donaldson:* Was there a Deputy Returning Officer appointed there? Yes, Dr. Palmer.
40. The poll was regularly taken there? Yes; both Mr. Tooth and Mr. Macalister were there.
41. *By the Chairman:* Was there a Returning Officer at Gayndah? Yes; Mr. Airey, Clerk of the Court, was Deputy Returning Officer there.
42. It is your impression that if you had liked you could, under the authority you saw, have gone to Surat and acted as Deputy Returning Officer? I could not, unless M'Phail chose to appoint me.
43. There was a blank left? Yes.
44. You have no doubt M'Phail would have appointed you? I said I would if he guaranteed me three guineas a day; he said it was stated on the letter that if the party were on the place he should receive two guineas, and if he had to go there, three guineas—he thought it was three guineas a day. I did not go because a sufficient sum was not guaranteed me, as I should have had to ride my own horses, and proceed a long distance out of my way.

William Butler Tooth, Esq., called in and examined:—

- W. B. Tooth, Esq. 1. *By the Chairman:* Were you one of the candidates for the Pastoral Districts of Burnett, Wide Bay, and Maranoa? Yes.
- 7 April, 1858. 2. Were you present at Ipswich on the day of nomination? Yes.
3. What day was that? The 28th January, I think, on Wednesday.
4. Were you duly proposed and seconded? Yes.
5. Was there another candidate? Yes; Mr. Arthur Macalister.
6. Was he also duly proposed and seconded? Yes.
7. A show of hands was called for—in favor of whom was it? Of Mr. Macalister, and I demanded a poll.
8. Will you be good enough to state any conversation that took place between you and the Returning Officer after you demanded a poll? On my arrival at Moreton Bay I was informed by my friends that the election would most likely be void, for that the Returning Officer had not appointed deputies—
9. Will you state when you arrived at Moreton Bay? Three or four days only previous to the nomination. I resolved at once, upon hearing that, to address the Returning Officer at the Court House, after the nomination, which I did immediately after the nomination had taken place, and before the people had moved from their standing places. I told him what I had heard, that he had not appointed his deputies, which, if he did not say he had not, he did not say he had. I took it, from the way he bent his head, that he had not.
10. *By Mr. Owen:* You told him you had heard that he had not appointed Deputy Returning Officers? Yes, and he did not say he had. I then said, "It is necessary for you to appoint Deputy Returning Officers, and to send them to the polling-places; if you trust to the post you trust to a rotten reed, and this election will be void, and the trouble gone to will be in vain." He did not say he would do it, but, immediately after the nomination, I went to him at his hotel, and asked him what he intended to do—whether he would do it or not. He said he had not power, and, unless I would hold him harmless of all the costs, he would trust to the post. I said, "If you do, depend upon it you will not have deputies at the different polling-places." There is one circumstance I should like to mention, that when I brought the matter before him at the nomination, he did not know the names of the polling-places, and asked me where they were. I could not remember all of them—at least one had escaped my memory—but a gentleman who stood by me had cut a slip out of the newspaper of that morning, containing the names of the polling-places, and that slip he handed to me, and I either gave it or read the names to the Returning Officer.
11. Did he give any sign of understanding the names? I either gave the paper to him, or read it at his request. I had commenced to tell him the names, and could not remember one of the places at the moment, when this slip containing Mr. Macalister's address with the names of the polling-places at the bottom was handed to me.
12. Did he make any observation at all indicating that he did, or that he did not know? He asked me for the names of the polling-places. There was no doubt in my mind that he had had

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- had not appointed deputies, and he admitted it afterwards in plain words when I went to his house that he had not. After the nomination, when I went to him, he was writing the letters, and no doubt they went by the first post; they were sent blank.
13. *By Mr. Richardson*: By what route were they sent? By two mails—the northern mail to Gladstone and Rannes, and the western mail to Surat. W. B. Tooth,
Esq.
7 April, 1858.
14. *By Mr. Owen*: What are the distances? Surat, 300 miles from Ipswich, and the Rannes and Port Curtis polling-places, I should think, fully 400 miles from Ipswich. Rannes is further than Port Curtis, and there is no post between Gayndah and either of those polling-places.
15. *By Mr. Jones*: Is there any post line between Ipswich and either of them? There is a weekly mail to Surat.
16. I speak of the northern line? There is no post beyond Gayndah.
17. Is there no post along the coast? No, except as occasions offer from Sydney.
18. *By Mr. Owen*: Can you name the distances of the other places? Tyroom is about 300 miles, I believe; but I never visited Tyroom.
19. *By Mr. Jones*: Upon what watershed is the Tyroom? On the—
20. *By the Chairman*: Are you aware when postal communication ceased between Gayndah and Gladstone? No.
21. Are you aware whether there was postal communication last year between Gayndah and Gladstone? I believe there was, but I am not sure whether it was a Government or a private mail. Sometimes the squatters club together and run a mail.
22. *By Mr. Jones*: Were you aware at the nomination that there was no communication between Gayndah and the northern polling-places? I knew it was not to be trusted, from my own correspondence; I had an interest in a station farther than the farthest of these polling-places, and I knew my own letters were uncertain as to their going and coming. For that reason I told the Returning Officer not to trust to the post.
23. Have you reason to believe that on the day of nomination the Returning Officer sent letters to all the polling-places for the appointment of Deputy Returning Officers, with blank forms enclosed for the appointment of deputies, should those parties to whom the letters were first addressed not be disposed to act? When I visited him at the hotel—
24. Was that on the second day? On the same evening; he was then writing so as to get his letters sent by the first mail that left.
25. *By Mr. Owen*: Does the mail go in the evening? That mail was to go early in the morning.
26. *By Mr. Richardson*: What mail was that? The Gayndah mail.
27. You say there is a weekly mail to Surat—when did that mail leave? I think not for two or three days.
28. *By Mr. Jones*: Have you reason to believe that by the first mail for either of those places the Returning Officer sent letters requesting persons to act as his deputies, and leaving the form in blank, so that if the parties to whom the letters were originally sent did not act the names of those who accepted the office might be filled in? My impression is that he did so, but I cannot say.
29. *By Mr. Richardson*: Supposing you had been sending letters to Surat, would you have sent them by Gayndah, or have waited two or three days and sent them direct to Surat? Certainly not; I would have waited ten days rather than have sent by Gayndah, as the letter would have to come back again. There is no line of postal communication.
30. *By Mr. Jones*: Did the Returning Officer appear well acquainted with the topography of the country—did he know the relative positions of the polling-places? I could not form an idea.
31. *By the Chairman*: Are you aware that the present Returning Officer has been Returning Officer ever since this has been an Electoral District? Ever since the New Constitution Act has been in force.
32. He has been acting as Returning Officer? He has been acting as Returning Officer, and upon the previous occasion he wrote to the Commissioner of the district to act, and he replied that he had some engagement with the squatters which would prevent—
33. Which Commissioner are you speaking of? Mr. Boyle.
34. We are now speaking of Surat. I want you to inform the Committee whether the present Returning Officer has ever acted in that capacity? Yes, in the case of Mr. Sandeman; that was the first election after the New Constitution came into operation.
35. Did he act upon any other occasion previous to your election? Yes, in the case of Mr. Leslie.
36. Therefore this was the third time he had acted? Ycs.
37. *By Mr. Jones*: On either of these previous occasions was there a contest? No.
38. So that there was no occasion to take a poll? No.
39. *By Mr. Owen*: Were you present at any of the previous elections? Not at the last two, but at the one before that I was.
40. Do you know whether he had appointed deputies in those cases? No, he had not; in one case to which I have alluded, Mr. Boyle, not being able to act, recommended another person, but Mr. North did not appoint him. None has been appointed for Surat.
41. *By the Chairman*: What other person did Mr. Boyle recommend? The Postmaster at Surat; a very respectable and suitable man, I understand.
42. Are you aware whether that man is resident at Surat now? No.
43. *By Mr. Jones*: This was how long ago? On the occasion of Mr. Sandeman's election.
44. That, I believe, was in 1856? Yes.
45. *By Mr. Owen*: Did this Postmaster keep a store, or anything of that kind? No, I think not; it is a very thin and scattered community.
46. At how many places did polling take place? I have understood at four, but one report says five. Tyroom is the only place about which there is a doubt; I know it took place at four.

- W. B. Tooth, Esq.
7 April, 1858.
47. *By the Chairman*: Were you in company with Mr. Galbraith on your way to Gayndah?
Yes.
48. Did you meet any one? Yes, a person named M'Phail, a publican.
49. What did he say? He said he had just received a letter from the Returning Officer, asking him to go to Surat, and that he could not go. I forget now what else he said.
50. You recollect that? Yes.
51. Who is M'Phail? An innkeeper, about twenty miles from Gayndah.
52. *By Mr. Owen*: Sometimes candidates look at the Writ, and see what return the officer makes—do you know anything about the return of the Writ? No, I did not see it, and I have never seen the Returning Officer since the day of nomination.
53. *By the Chairman*: Why have you never seen him since? Because I went at once to contest the election, and called at the various places, ending at Maryborough; I then took steamer to Sydney, for I had had enough of it.
54. *By Mr. Jones*: Did Mr. North, when you asked him to appoint Deputy Returning Officers, express any apprehension that he should not be able to get them? He did not; but I said "You cannot tell if these gentlemen get their letters, and if they receive them, you cannot be certain that they will act; the only way to secure the services of deputies for these outlying districts, is to swear in some gentlemen, these can easily be obtained, and send them from here." He said he would not be warranted in doing so, and that he would not do so unless I held him harmless.
55. He did not feel authorised to incur the expense of sending these gentlemen to act as his deputies, but offered to do so if you would engage to bear the expense, in the event of its being disallowed by the Government? Yes.
56. *By the Chairman*: If a letter had been despatched from Ipswich to Gladstone on the 7th January, do you think it likely it would have reached its destination previous to the 12th February? You could not depend upon it, judging from my own correspondence.
57. Undoubtedly there would have been a greater probability than if it left on the 29th January? Yes, no doubt.
58. *By Mr. Jones*: The Returning Officer did not seem unwilling to appoint deputies, except on the ground of not feeling warranted to incur the expense? I never thought him unwilling; my impression, when I was at Ipswich, was that he wished to do everything fairly. I have not thought so since. I had no reason to think he delayed or refused to appoint deputies.
59. Did he assign any reason for not having previously appointed deputies at these places? Yes; he said he did not appoint them unless the election were contested. I said "You might have seen by the papers that there were two candidates for one seat." I was very much provoked, for I saw I had to go over a great deal of work which would be fruitless.
60. *By the Chairman*: Do you not think your opponent shared in the same feeling? I could not give an opinion.
61. *By Mr. Jones*: Did not your opponent take a great deal of trouble in the matter? He went to Wide Bay, but he told me that until the previous day he did not intend to do so.
62. How far had he to ride to Wide Bay? About 500 miles.
63. Therefore it must have been as vexatious to him as to you to have been defeated? I cannot say yes to that, for all his supporters are in the town of Maryborough, with the exception of three or four; mine are scattered all over the country, and have to ride many miles to record their votes; his supporters could therefore attend the poll without much trouble, while although I might be able to number two supporters for his one he might gain the contest, as many of mine would have to ride a hundred miles to the polling-place.
64. But, from anything that transpired in your own knowledge, you have no reason to suppose that your opponent desired to see the election frustrated by the non-carrying out of the provisions of the Electoral Act? I should think not.
65. *By Mr. Owen*: Your opinion was that, except in the mode you suggested, there was no practical method of carrying out the election? That was the only one.
66. *By the Chairman*: It was after the nomination, when you were made aware by the Returning Officer that no deputies were appointed, you suggested that course? Yes.
67. *By Mr. Richardson*: You say that when you were at Ipswich you thought the Returning Officer was disposed to act fairly, but subsequently you were not of that opinion; why did you think he was not disposed to act fairly? Because I think he sided with my opponent, to my injury.
68. *By the Chairman*: Why do you think so? From information I have received from different correspondents.
69. Do you think the Returning Officer is interested in Mr. Macalister? Yes.
70. Do you think he used undue influence? I do, decidedly.
71. In what way? By asking one of the Deputy Returning Officers to use his influence.
72. How did you hear that? I heard it at Gayndah. A person to whom a letter was addressed told a friend of mine that he had been requested to use his influence.
73. Was that Mr. Philpott? Mr. Philpott saw the letter; it was known throughout Gayndah; Power, the publican, was, I believe, one of my informants.
74. *By Mr. Richardson*: You are aware that the Returning Officer has one or two brothers at Ipswich—do you think it was one of them who wrote the letter? It was in a letter written to appoint a deputy.
75. *By the Chairman*: You say that letter from Mr. North to M'Phail was the common talk of Gayndah? Yes, when I got there.
76. These are the grounds upon which you think the Returning Officer unjustly sided with your opponent? Yes.

THURSDAY, 8 APRIL, 1858.

Present:—

MR. BUCKLEY,
MR. FORSTER,
MR. HODGSON,

MR. JONES,
MR. OWEN,
MR. RICHARDSON.

ARTHUR HODGSON, Esq., IN THE CHAIR.

Maxwell Rennie Allan, Esq., called in and examined:—

1. *By the Chairman*: You are a clerk in the Colonial Secretary's Office? Yes, I am. M. R. Allan,
Esq.
2. You have been requested to attend here by Mr. Elyard? Yes.
3. What documents do you produce? A copy of the letter from the Colonial Secretary to the Returning Officer at Ipswich, transmitting the Writ. (*The witness handed in the same.* 8 April, 1858.
Vide Appendix C, No. 2.)
4. This document comes from the Colonial Secretary's Office? It does.
5. Have you any letter from Mr. North, the Returning Officer? There is a letter from Mr. North, dated 12th February, stating that in consequence of the distance of Rannes from Ipswich—he said it was fourteen days by post—he would not be able to return the Writ by 27th, the day appointed by the Government for the purpose; he, therefore, applied for an extension of time.
6. Do you produce that letter? I do. (*The witness handed in the same. Vide Appendix C, No. 1.*)

Henry Boyle, Esq., called in and examined:—

1. *By the Chairman*: You are Commissioner of Crown Lands for the Maranoa District? Yes. H. Boyle,
Esq.
2. Where do you reside? At Surat.
3. Will you be good enough to state to the Committee whether you had any communication or conversation with Mr. Joseph North, the Returning Officer for that district, in allusion to your having been requested to act as Deputy Returning Officer some eighteen months ago? He wrote to me, asking me to act, about eighteen months ago, on the occasion of a former election. I said I should be most happy to do so, but that I had engagements to meet squatters in the district on certain days, and that I could not forego these engagements. It was then only two or three weeks before the polling should take place; if there should have been a poll demanded, which there was not, I said at the time the only man here to act is the Postmaster; he is not only an orderly, but an educated man, and I think competent to act.
4. What was his name? Coghlan.
5. Do you consider that he was perfectly able, from his education, to fulfil that office? Yes, I thought so.
6. Do you happen to know at the present time anybody resident at Surat who could have filled the office of Deputy Returning Officer, in addition to him? Since that occasion a Mr. M'Kay, of a superior station in life, has been resident about fourteen miles from Surat.
7. Is Mr. Coghlan there now? Yes; he is Postmaster now.
8. And Mr. M'Kay is fully competent? Quite competent. Of course I do not know whether he would have acted if called on.
9. Will you state the distance from Ipswich to Surat? It is commonly called three hundred and fifty miles.
10. Is there regular postal communication between Ipswich and Surat? Yes, every Monday, except when the floods prevent it. We have been eleven weeks without a post at Surat; that was on one occasion only, but there have been no mails for five or six weeks on other occasions; for three-fourths of the year, in general, the weekly communication is regular.
11. Do you happen to know whether the postal communication was regular in the month of January or the beginning of February last? No, I do not, for I was absent then on leave.
12. Do you know from any intelligence you received—do you not know, as a matter of notoriety, whether there were any floods at that time? As far as my opinion goes, the postal communication was regular, for there has been so little rain for many months past, that there could scarcely have been any floods in the district.
13. If the post was regular, after leaving Ipswich how long would it take to reach Surat? I should say about eight days.
14. You receive all your official correspondence from Sydney by Ipswich? I generally do.
15. You are not aware, I suppose, whether a poll was taken at Surat on this occasion? No, I am not.
16. *By Mr. Richardson*: What do you reckon the distance to be from Ipswich to Gayndah? I have no definite idea at all; it is not in my line of road; I suppose it is two hundred miles at least.
17. And from Gayndah to Surat? About the same distance. It is further from Surat to Gayndah, I believe, than it is from Gayndah to Ipswich.
18. Surat is on the Lower Condamine? No, it is on the Balonne.

WEDNESDAY,

WEDNESDAY, 29 APRIL, 1858.

Present:—

Mr. BUCKLEY,
Mr. DONALDSON,
Mr. FORSTER,

Mr. OWEN.

Mr. HODGSON,
Mr. JONES,
Mr. MACARTHUR,

ARTHUR HODGSON, Esq., IN THE CHAIR.

Joseph Fleming, Esq., was called in and examined:—

J. Fleming,
Esq.

29 April, 1858.

1. *By the Chairman:* Are you an elector for the districts of Maranoa, Wide Bay, and Burnett? I am.
2. Did you take any part in the election? No part, any more than voting.
3. That is, on the day of polling? On the day of polling. On the day of nomination I proposed Mr. Macalister.
4. Do you recollect any conversation that took place between you and the Returning Officer relative to the appointment of a Deputy Returning Officer at Surat? I do. He asked me if I knew any person who would be suitable for the office; he said he knew of no person in that part of the country. I was some time before I could recollect, and I first of all named the postmaster.
5. What is his name? Coughlan. I afterwards thought of a young man who had lately gone up there as Superintendent for Mr. Hale, Mr. Mackay, and knowing, as I had been in his company once or twice, that he was a sharp, shrewd man, and a good scholar, I spoke of him in preference to the other man. He asked me if I would be good enough to write a note to him, which I did, asking him if he would be kind enough to act in the event of the Returning Officer writing to him. I wrote the note, left it open, and handed it to the Returning Officer.
6. Do you recollect the wording of the note? No, I do not; it was a very short one.
7. Did you request Mr. Mackay to use his influence in Mr. Macalister's favor? I might have done so; I cannot positively say.
8. You are not certain? I am not certain; I think it quite likely, but I cannot say whether I did or not.
9. Do you recollect when this conversation took place between the Returning Officer and yourself relative to Mr. Mackay—was it before or after the nomination? After the nomination.
10. How many days before the polling? On the same day as the nomination, in the evening, for he was then in a bustle to write, through the Post Office, to the different parties at long distances.
11. Do you think it possible or probable that your direction may have been misconstrued by the Returning Officer? I think it quite likely it may have been; and I think if any person saw my letter now he would be convinced of that, for I do not write very plainly, and I wrote this in a bustle, standing at the sideboard.
12. Did you direct it? No; I addressed it at the commencement to Mr. Mackay. I generally write the name of the party to whom I address a letter in the body of it.
13. Can you tell the Committee how far it is from Ipswich to Surat? I always call it 270 miles.
14. You have no vivid recollection of what you wrote to Mr. Mackay? I know nothing more than that I stood and wrote a letter to Mr. Mackay, asking him if he would act in the event of the Returning Officer appointing him; I did no more, leaving it to Mr. North to enclose it in his own letter.
15. You mentioned a person named Coughlan, the postmaster at Surat? Yes.
16. Do you know him? I do.
17. Would he have been incapable of acting as Deputy Returning Officer? I do not think he would be a proper person.
18. From what cause? Because I do not think he is a person who would understand the business—the routine of the matter—in any way.
19. You thought of him in the first instance? I thought of him, but when I remembered the other, judging from my own experience in matters, I considered that he was much the better man; he was quite a stranger in the district, a good scholar, and a very clear-headed, shrewd man.

Major William Harvie Christie was called in and examined:—

Major W. H.
Christie.

29 April, 1858.

1. *By the Chairman:* You are Postmaster General of this Colony? I am.
2. Will you be kind enough to inform the Committee as to the postal arrangements between Ipswich and Surat, Ipswich and Gayndah, and Ipswich and Gladstone? In the notice I have received, Cresbrook is first stated. Cresbrook is not a post town, and therefore I do not know much about it, but I think the way to reach Cresbrook would be up the Bremer and Brisbane Rivers on the postal line from Brisbane to Goode's Inn. The communication from Ipswich to Brisbane is three times a week, and from Brisbane to Goode's Inn once a week.
3. Does Goode's Inn terminate the postal arrangements at that part of the country? No, it does not. The communication between Ipswich and Gayndah, and Ipswich and Maryborough I may take next. That is carried on by two routes, viz., by Brisbane and Goode's Inn, and Drayton and Goode's Inn, and following up the Sunday's mail, which in each instance is the one that would reach quickest, I find, going by Brisbane, that a letter leaving Ipswich on Sunday would reach Gayndah in eleven days, and would reach Maryborough in sixteen days. Of course if not posted in time for the Sunday's despatch, there would be so many more days added

added to it. The other route is *via* Drayton and Goode's Inn, and if posted on the same day, Sunday, it would reach Gayndah in four days, and Maryborough in nine.

4. Then we understand the departure from Ipswich is on Sunday? Sunday's mail is the one that would chime in with the weekly communication from Brisbane and from Drayton to Goode's Inn; the despatch day from these places being on Monday, it would be of no use following up the other mail days from Ipswich. The next communication to be alluded to is between Ipswich and Surat. This communication is *via* Drayton, and in the same way, following up the mail, the course of post would be six days, if posted at Ipswich on the proper day to catch the Surat mail. The communication between Ipswich and Taroom is in two ways; it could be *via* Brisbane, or *via* Drayton, to Goode's Inn. When posted *via* Brisbane, it would take five days in January, and seven days in February, to reach Taroom, a change having been made in the latter month, at the suggestion of neighboring residents. Letters posted at Ipswich for Taroom *via* Drayton, would be five days in January, and seven days in February. I may state that this postal line has not been well performed, and the contractor's accounts have been stopped in consequence. Unusual delays occurred on this route. Rannecs, again, is not a post town, but I am under the impression that it is off the road between Gayndah and Gladstone; it would I think be in a direct line from Gayndah to Rockhampton, but that is not a postal line at present. With regard to the communication between Ipswich and Gladstone, there is a peculiarity with reference to the postal accommodation to the latter place. At first we could not get any tenders for the line, and the service was performed by the Native Police. In 1854, they commenced that postal line. There was a reduction made in the force, and on the 15th August, 1855, the Native Police discontinued that line altogether, and for a time it lapsed. Owing to the blacks, and its being so far distant, we had great difficulty in getting persons to tender for the line, and at last, the Superintendent, Captain O'Connell, made an offer to commence the service, and he did so commence in September, 1857, and was suddenly obliged to discontinue it on the 15th January, 1858. I find that the last regular mail, sent by Captain O'Connell from Gayndah to Gladstone, was on the 27th December, 1857; but I have information that private parties called at the Post Office at Gayndah, and took some mails to Gladstone, which were left there subsequently; I cannot give the exact date. The only other way by which letters could be sent from Ipswich to Gladstone, would be by way of Sydney, and that would be very uncertain.

5. That would involve the sending them to Sydney, and then by the coast? Yes.

6. *By Mr. Jones*: How long would that occupy? I cannot say; there is I believe only one regular trader,—it would be quite uncertain; perhaps the means of sending would not present itself once in two months.

Major W. H.
Christie.

29 April, 1858.

APPENDIX A.

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

To Joseph North, Esquire, Returning Officer for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, in our Colony of New South Wales.

GREETING:—

By virtue of the powers in us vested, We do hereby direct that an Election be held for the Return of a Member to serve in the Legislative Assembly of our said Colony, for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, and that the Nomination for such Election be held at Ipswich, on the twenty-seventh day of January next, and that in the event of such Election being contested, the Poll at the different Polling Places for the said Electoral District be taken on Friday, the twelfth day of February next; and we do further direct that you certify under your hand, by endorsement on this Our Writ, the name of the Member who shall be elected, and that you cause this Our Writ, with such Certificate, so endorsed thereon as aforesaid, to be returned to us, at Sydney, on Saturday, the twenty-seventh day of February next.

IN TESTIMONY whereof, We have caused the Great Seal of our said Colony to be affixed to this Our Writ.

WITNESS Our Trusty and Well-beloved SIR WILLIAM THOMAS DENISON, Knight, Commander of the Most Honorable Order of the Bath, Governor General in and over all Our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of Our Territory of New South Wales and its Dependencies, at Government House, Sydney, in Our said Territory, this twenty-third day of December, in the Twenty-first Year of Our Reign; and in the Year of Our Lord One thousand eight hundred and fifty-seven.

(L.S.)

W. DENISON.

By His Excellency's Command,
CHARLES COWPER.

[ENDORSEMENT.]

This Writ was received by me, this fourth day of January, One thousand eight hundred and fifty-eight.

JOSEPH NORTH,
Returning Officer.

I hereby Certify, that no person was duly chosen a Member for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, Maranoa, Leichhardt, and Port Curtis, to serve in the Legislative Assembly for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, together with the Writ alluded to, on which it is certified by the Returning Officer that no person was duly chosen for such Electoral District.

JOSEPH NORTH,
Returning Officer.

APPENDIX B.

No. 58-48.

*Colonial Secretary's Office,
Sydney, 30 March, 1858.*

SIR,

I am directed by the Colonial Secretary to transmit to you a Certificate, under the hand of the Governor General, of the Return of the Writ for the Election of a Member to serve in the Legislative Assembly for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, together with the Writ alluded to, on which it is certified by the Returning Officer that no person was duly chosen for such Electoral District.

2. I am at the same time desired to state, that this Writ was originally received at this Office on the 12th instant, without any Return being made upon it, accompanied by a letter from the Returning Officer, of which I enclose a copy, explaining the reasons for his having so forwarded it. The Law Officers were then consulted as to the proper course to be followed, and, under their opinion, which is transmitted for your perusal, the Writ was sent back to the Returning Officer, with an intimation that, by the Electoral Act, he is required to endorse on the Writ the name of the person who was duly elected for his District, or, if unable to make such endorsement, that he should state on the back of the Writ that no person was duly elected, and the facts which prevented the completion of the Election.

3. The Writ has now been returned, as stated in His Excellency's Certificate; and, as Parliament is in Session, it appears to the Colonial Secretary that the proper course is to place it in your possession.

I.

I, Sir William Thomas Denison, Knight Commander of the Most Honorable Order of the Bath, the Governor General of all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Governor-in-Chief of New South Wales, do hereby certify that the accompanying Writ for the Election of a Member to serve in the Legislative Assembly, for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa, has this day been returned to me with the Certificate of the Returning Officer endorsed thereon, that no person was duly chosen a Member for such Electoral District.

Given under my Hand and Seal, at Government House, Sydney, this Twenty-ninth day of March, in the year of Our Lord One thousand eight hundred and fifty-eight, and in the Twenty-first year of Her Majesty's Reign.

(L. S.)

W. DENISON.

2.

Ipswich, 3 March, 1858.

SIR,

I do myself the honor to draw your attention to the following circumstances, which seem to me to be of the utmost importance, sufficiently so to induce me to inclose the Writ at present in force.

There are eight polling-places for the District for which I have the honor of being Returning Officer; from three of these, viz., Gladstone, Rannes, and Surat, I have not received any voting papers, nor am I aware that any poll has been opened at any of these places.

On the supposition that postal communication still existed to Gladstone, I posted my letters to those gentlemen whom I requested to act as Deputy Returning Officers. I am now assured that no post exists between Gladstone, Rannes, and Gayndah, and as this last named place is 600 miles distant from the chief polling-place at Ipswich, the poll could not have been opened, except by express and at a heavy expense.

The poll at Surat failed, as I have been informed, from the absence of the gentleman I applied to, and who, I believe, is the only person resident in that locality.

These circumstances will point out the impossibility, in so limited a time, to comply with my instruction of 7th January, 1858.

I am of opinion that the only sure way of taking the poll under a new Writ would be for the Government to authorize me to incur the expense of sending Deputy Returning Officers to the various polling-places in these districts.

I have, &c.,

JOSEPH NORTH,
Returning Officer.

3.

IN THE MATTER OF THE WRIT FOR MORETON, WIDE BAY, &c.

1. The Returning Officer for the Electoral District of Moreton, Wide Bay, Burnett, and Maranoa, has sent back the Writ directed to him by the Governor General, without making any Return thereto, and has explained his reasons for so doing in a letter dated on the third instant, and detailing circumstances which lead to the conclusion that no person was duly elected a Member for that Electoral District on the 12th day of February, 1858, the day named in the Writ for taking the poll at the different polling-places in the District, in the event of the Election being contested.

2. The Returning Officer does not state positively that no poll was opened at Gladstone, Rannes, or Surat; but he says that he has not received any voting papers from any of these places, and that he is not aware that a poll has been opened at any of them; and as it appears, from a subsequent portion of his letter, that the poll at Surat failed from the absence of the gentleman applied to by the Returning Officer to act as his Deputy, and that the poll at Rannes could not have been opened, inasmuch as the letter containing the requisite authority was addressed, by post, to a place with which there was no postal communication, there seems to be no reason to doubt that the Election for the Electoral District of Moreton, &c., was a void Election, by reason of the poll not having been taken at each of the different polling-places for the District on the same day. This point was unanimously decided by the Committee of Elections and Qualifications of the Legislative Council in 1854, in the matter of a Petition by the Rev. J. D. Lang, against the return for the County of Stanley, and that decision, as I have been informed, is in harmony with a previous decision of the same body.

3. The 44th section of the Electoral Act, 14 Vict., No. 48, requires the Returning Officer, as soon as may be practicable after the Election shall have been held, to declare openly the general state of the poll at the close of the Election, and at the same time to declare the name or names of the person or persons who may have been *duly elected* at such Election. The Returning Officer appears to fill, as in England, a mixed character, partly ministerial and partly judicial—(see section 41 of the Electoral Act)—and if he be satisfied from circumstances which have come to his knowledge that *no person* has been *duly elected*, he ought to make a special Return accordingly, stating the facts which have prevented the completion of the Election, and then a new Writ may be ordered on the Return itself; if petitioned against, may be amended. At present he has made no Return at all, and therefore I am of opinion that the Writ should be transmitted to him, with an intimation on the part of the Government that he is required by the Electoral Act to endorse on the Writ the name of the person who was duly elected for his district, but that if he finds himself unable to make such an endorsement, he must state on the back of the Writ that no person was duly elected, and the facts which prevented the completion of the Election.

It appears from the Knaresborough case, 2 Peck, 383, that the House of Commons will receive a special Return if every reasonable effort has been made to proceed in the Election.

ALFRED P. LUTWYCHE,
Solicitor General.

13 March, 1858.

4.

The course proposed to be taken is the correct one. I am not quite sure, however, that the Assembly ought to be satisfied with the manner in which the Returning Officer has performed his duty. The House of Commons would, in all probability, visit such conduct with punishment. It seems to me that after the Writ is laid before the Assembly, four weeks must elapse before anything can be regularly done, because there may, within that time, be a petition presented by some one claiming that he ought to be returned at the expiration of the four weeks. The House must pass a *special resolution* to authorize the issue of a new Writ, the case being wholly unprovided for in the Constitution Act.

JAMES MARTIN,
Attorney General.

30 March, 1858.

APPENDIX C.

1.

Police Office, Ipswich,
Feby. 12th, 1858.

From the RETURNING OFFICER for the Electoral District of Moreton, &c., to THE
HONORABLE THE COLONIAL SECRETARY, Sydney.

SIR,

I do myself the honor to apply for an extension of the time given by His Excellency the Governor General for the Return of the Writ for the Election of a Member to serve in the Legislative Assembly of the Colony of New South Wales for the United Districts of Moreton, Wide Bay, Burnett, and Maranoa, on the following grounds:—The Writ is made returnable for the 27th of Feby. instant, and as Rannes, one of the places appointed for taking the votes at, is fourteen days distance by the post from this, it will be quite impossible to make the Return by that date.

I have, &c.,

JOSEPH NORTH,
Returning Officer.

True Copy.
W. ELYARD.

2.

Urgent.
58-960. 60.

*Colonial Secretary's Office,
Sydney, 15th March, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 3rd instant, in which you enclosed the Writ for the Election of a Member for the District of Moreton, Wide Bay, &c., directed to you by the Governor General, without making any Return thereto, for the reasons stated in your communication.

2. It appears, from an opinion given by the Solicitor General, of which I transmit an extract for your information, that, by the Electoral Act, you are required to endorse on the Writ the name of the person who was duly elected for your District, or, if unable to make such endorsement, that you should state on the back of the Writ that no person was duly elected, and the facts which prevented the completion of the Election; and I am, therefore, desired again to forward to you the Writ, in order that the necessary steps may be taken accordingly.

I have, &c.,

W. ELYARD.

JOSEPH NORTH, Esq.,

Returning Officer for the Electoral District of the
United Pastoral Districts of Moreton, Wide Bay,
Burnett, and Maranoa,
Ipswich.

True Copy.

W. ELYARD,

Under Secretary.

APPENDIX D.

No. 1.

*Legislative Assembly Committee Rooms,
13 April, 1858.*

SIR,

Under a Resolution agreed to at a Meeting of the Select Committee, appointed on the 31st ultimo, to inquire into, and report upon the Writ, for the election of Member for the Electoral District of the Pastoral Districts of Moreton, Wide Bay, Burnett, Maranoa, &c., and the Special Return endorsed thereon by you, I have the honor to transmit, for your information, a copy of the Evidence taken before the Committee, on the 7th and 8th instants, and at the same time to apprise you, that in adopting this course, the Committee are actuated by a desire that you should, if you think fit, be enabled to transmit a written statement to them, in reply to the allegations contained therein, in case of your inability to attend upon the Committee, for the purpose of being examined.

If however, on the receipt of this communication, you are desirous of appearing before the Committee in person, I beg that you will favor me with a letter stating such desire, and naming the earliest day when it is probable that you will be able to be in Sydney.

I am further directed to request, that you will avoid any unnecessary delay in forwarding such statement; or, should you intend coming to Sydney to be examined by the Committee, in apprising me to that effect, and to state, that the Committee deem it expedient that the information contained in the evidence sent for your perusal should be confined to yourself for the present.

I have, &c.,

ARTHUR HODGSON,

Chairman.

JOSEPH NORTH, Esq.,

Returning Officer for the Electoral District
of the United Pastoral Districts of Moreton,
Wide Bay, Burnett, &c.

No. 2.

Ipswich, 20 April, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter dated on 13th instant, in which you, as Chairman of the Select Committee appointed to inquire into and report upon the Writ for the Election of a Member for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, Maranoa, &c., and the Special Return endorsed thereon, transmit for my information a copy of the evidence taken before the Committee on the 7th and 8th instants, and at the same time apprise me that, in adopting this course, the Committee were actuated by a desire that I should, if I thought fit, be enabled to transmit a written statement to them in reply to the allegations contained therein, in case of my inability to attend upon the Committee for the purpose of being examined.

As the post for Sydney closes to night, and as domestic circumstances prevent my immediate attendance in Sydney, I take advantage of the kind and just resolution of the Committee to forward, for their perusal and consideration, as full an answer to the evidence transmitted as the short period allowed me will afford.

Notwithstanding the fact that to the majority of the Committee I am personally unknown, yet to some of the members of your Committee my name is not unfamiliar; and from their knowledge of me, as well as of the position which for many years I held as an officer in Her Majesty's Army, and that I am now, if not the oldest, one of the oldest Magistrates in the Northern Districts, I feel the utmost confidence that the Committee will accord me that justice which the cruel position I have been placed in so much demands.

It

It must be evident to the Committee that, while the evidence taken contains nothing but *ex parte* statements, surmises and opinions, founded upon no fact brought out before the Committee, it at the same time fails to show that either the charge of neglect, or gross partiality throughout, has the slightest foundation, beyond the insinuations of those who, for party purposes, are now dragging me before the public.

Leaving for after consideration the various incongruities and absurdities apparent upon the face of the evidence of Messrs. Galbraith, Phillpotts, and Tooth, I would desire to invite the attention of the Committee to the conduct pursued by me, from the time of my receiving the Writ until the period when the evidence comes to bear upon it.

Many circumstances require to be looked at in connection with this matter.

Five uncontested Elections have already taken place for these districts, at three of which I have presided. In fact, until now these districts have never known a contested Election; otherwise, from what has occurred on the present occasion, I feel confident that, except by incurring the enormous expense of sending Deputy Returning Officers from this to each polling-place, a similar result at some of the places must, in all probability, have arisen.

In the first place, the place of nomination is not within any portion of this extensive Electorate, while it is removed from seven of the polling-places the following distances:—

From Cressbrook, the nearest polling-place, Ipswich is distant	60 Miles.
„ Surat	350 „
„ Tarome	250 „
„ Gayndah	250 „
„ Maryborough, <i>via</i> Gayndah	340 „
„ Gladstone.....	500 „

and from Rannes some miles further. Between Gladstone and Ipswich there is no traffic, and at the latter place but few means of knowing who live at the former.

Keeping these facts in view, I may mention that my own place of residence is distant 25 miles from Ipswich, that no mail passes my way, and that my letters are usually sent for once a week.

Now, the Writ reached me at Ipswich, where I was at the time, on the *th* January, and where I at once prepared and left for insertion in the local papers my notice as to the nomination and polling-places, and immediately afterwards I started for my own residence. At this time no notice had reached me that any contested Election was about to take place; and I enclose a letter from the Editor of the newspaper in which Mr. Macalister's address first appeared, to shew that, although that address bears date the 17th, it was not handed for publication till the 18th, and for the first time appeared on the 19th January, and that the printed circular addresses did not appear for some days afterwards. On the 21st I received the *North Australian* newspaper, announcing, for the first time, the fact that a contested Election was about to take place. On learning this circumstance, I lost no time in adopting every step that was in my power to make suitable arrangements for a poll. I published the receipt of the Writ, the day of nomination, and the day of the poll. I applied to the post-master here to ascertain when the mails left, and was informed by him that the mails for the northward were dispatched every ten days; that the first mail would close on the evening of the 27th (being the day of nomination), and the Surat mail on the evening of the 28th. I spent several days in Ipswich, in making inquiries about, and endeavouring to find out, suitable Deputy Returning Officers, and, with the exception of Surat, Gladstone, and Rannes, my efforts at the time were successful; but, as to these places, all that I could learn was, that Mr. Fleming, an elector for Surat, and Mr. James Leith Hay, of Rannes, were the only parties in town who were at all able to give me any information. Learning that they would both be in town at the nomination, which was then but two days distant, I waited till the morning of nomination, when I saw both of these gentlemen. Mr. Hay furnished me with the name of a Mr. Palmer, at Gladstone, who, he felt confident, would act, and also the name of the Superintendent at the Rannes Station, to both of whom I immediately wrote, requesting them to act—sending them the usual formal appointments, and a letter of instructions. As the Surat appointment has now become peculiar, I shall refer to that appointment in a distinct paragraph.

In answer to my application to Mr. Fleming, for the name of some individual who would act at Surat, he named a person living at some distance from the township, to whom it might be an inconvenience to attend, but that he would write a note to him, and I could enclose it with my appointment and letter of instructions. The note was subsequently handed to me, but, as Mr. Fleming happens to write a somewhat extraordinary hand, I could not make out the address. I had, therefore, (as Mr. Fleming was gone from town, and the hour for closing the post was at hand, and I wished to proceed home,) to draw upon my memory—and having asked a gentleman who was with me to make out the name, he agreed with me that it was M'Phail. Now I have reason to believe that it was Mackay. I have no cause, however, to doubt that I addressed the package to Surat, and can only account for its being sent to Gayndah by the carelessness of some of the Country Postmasters, though it is possible that the error may have arisen in the Post Office here, and it is also just possible (tho' I do not believe in the probability of it,) that I may have addressed the parcel to Gayndah; but this I most solemnly declare, that neither on that occasion, nor on any other, did I ever ask any man to use his influence for Mr. Macalister. Whether Mr. Fleming's note contained any such request—for, as just stated, I could not read it—I do not know; but I do not think that Mr. Fleming, knowing that his note was intended to be sent by me in the discharge of a public duty, would do anything of the kind. I know nothing of the man M'Phail referred to in the evidence; but I may mention, as a matter of belief, that I have, at my residence, a letter from M'Phail, informing me that my authority as to the Surat poll had been opened by him—that he found it had been sent to him in error, and

that he had forwarded it to the party at Surat for whom it was intended. I have also, of a very recent date, a letter from the person at Surat to whom McPhail sent my papers, informing me of their arrival, but too late to be acted upon. These documents I will find, and shall do myself the honor of forwarding them to the Committee by next mail; and so thoroughly satisfied am I that I never wrote one word regarding the Election that may not be published to the world, I have this day written to the person at Surat to forward any documents he may have to the Committee for inspection. Mr. Fleming is himself in Sydney, where he has been for the last six weeks on some law business with Mr. Tooth, and, if the Committee will be good enough to have him summoned, he will be able to explain this matter. I do not know his address, but, as he is well known, there will be little difficulty in finding him out.

Now, I think the Committee will agree with me on two points,—

- 1st.—That I did everything which, under the circumstances, was in my power to carry through this Election.
- 2nd.—The charge of partiality throughout, which, according to Mr. Tooth's evidence, rests on a letter of mine to McPhail, is groundless.

Having now given to the Committee a plain and unvarnished statement, I would desire to observe that I do not exactly understand the answers to the 58th and 59th questions put to Mr. Galbraith—Mr. Tooth's proposer. The first of these questions is,—“Did he (meaning the Returning Officer) sympathize with either of them (the candidates)?” Answer,—“I should say so.” Now it is submitted that this is no answer, for there is no ground of sympathy stated. The second of these questions is,—“Do you see the name of Mr. North (meaning the Returning Officer) in the requisition to Mr. Macalister?” Answer,—“Yes; there is the name of his brother there.” I take it that some error has been committed with regard to these answers, although they may be considered as perfectly consistent with the rest of the evidence, for I never signed Mr. Macalister's requisition, and my brother, who did so, and myself were not at the time, nor for some time before that, on speaking terms.

I must now draw my statement to a close, particularly as I can find nothing in the evidence but opinions and conjectures, all of which I trust I have now sufficiently explained.

I have not noticed the statement of Mr. Galbraith—that at the nomination *I held down my head*—and that he thereupon formed an opinion that I did not know where the polling-places were; nor can I understand how Mr. Philpotts, whom I never saw nor heard of, should have got into his head that he ever saw a letter from me asking *any one* to use his influence for either candidate. All I can say is, to repeat what I have already asserted, that no such letter ever existed.

I have the honor to be,

Sir,

Your most obedient servant,

JOSEPH NORTH,

Returning Officer.

ARTHUR HODGSON, Esq.,
Chairman of Select Committee, &c.,
Legislative Assembly Committee Rooms,
Sydney.

*The “North Australian” Office,
Ipswich, Moreton Bay, April 21, 1858.*

Sir,

In answer to your inquiries respecting the Maranoa Election, we beg to inform you that we received Mr. Macalister's M.S. address on the 18th January, 1858, and which appeared in the *North Australian* newspaper on the 19th of January. Mr. Macalister's printed addresses were not issued until January 21, when they were delivered to him for circulation.

We are, Sir,

Yours respectfully,

E. J. & A. C. BAYS,

J. NORTH, Esq.

Printers and proprietors of the *North Australian*.

APPENDIX E—(WITH FOUR ENCLOSURES.)

Ipswich, April 27, 1858.

Sir,

Referring to my former communication to you, as Chairman of the Committee appointed to inquire into the Writ of Election of a Member to serve in the Legislative Assembly for the United Pastoral Districts of Moreton, Wide Bay, Leichhardt, Port Curtis, and Maranoa, I have the honor to enclose to you, for the information of the Committee, the following documents:—

1. A Memorandum furnished to me by Mr. James Lieth Hay, of the name of a gentleman who would act as Deputy Returning Officer at Gladstone, and who would forward an express to the other polling-place, Rannes.

2. A letter dated 4th February, from Mr. McPhail.

3. A letter dated 23rd February, signed J. G. McKay, both of which letters are addressed to me, and refer to the Surat poll.

4. A letter dated, Gladstone, Port Curtis, 26th March last, addressed to me, and signed R. E. Palmer.

From the letters Nos. 2 and 3 the Committee will observe, that the reason why my letter to Mr. McKay did not reach him in time was the fault of the Postmaster, as I can see no reason to doubt that my letter was in reality addressed to Surat.

The

The letter No. 4 refers to Gladstone and Port Curtis, and by it it will be observable that in consequence of the withdrawal of the mail service, a circumstance entirely unknown to me, the communication had ceased between this and Port Curtis, except by the circuitous route of Sydney, and that nothing short of six weeks, and approaching two months, must be occupied even in forwarding a letter; so that, in any case, it was impossible for me to carry out the instructions of the Government, and that I did all that under the circumstances was in my power.

In my last communication I did not answer the insinuation regarding the alleged political sympathy between Mr. Macalister and myself, and would only, in this letter, state that while Mr. Macalister has been for some years the solicitor of my family, and was, at the moment of the late polling here, engaged in a most important arbitration question between the members of my family, yet on political points I am not aware of any political sympathy between us; whatever I might have done had there been an equality of votes, would, at any rate, not have arisen from political sympathy.

I have the honor to be,

Sir,

Your most obedient servant,

JOSEPH NORTH,

Returning Officer.

ARTHUR HODGSON, ESQ.,
Chairman, Maranoa Election Committee,
&c., &c., &c.,
Sydney.

No. 1.

Should you require to write for the purpose of forwarding an express from Gladstone to Rannes, address your communication to Mr. R. E. Palmer, Gladstone, Port Curtis; who will engage a man to start immediately to Rannes.

No. 2.

Gayndah, 4 February, 1858.

SIR,

I beg to acquaint you that I have this day received, through the Gayndah Post Office, a letter from you, dated Ipswich, 29 January, 1858, requesting of the person for whom it is intended to act as Returning Officer, at Surat, on the 12th of February, and, on the annexed page, your authority to act as such; together with a letter from a Mr. Joseph Fleming, (which was enclosed in yours) stating that he advised you to appoint the person above referred to as such, which letter is addressed to Mr. M'Kay.

As I consider your communication was not intended for me, I forward it, together with Mr. Fleming's, to the Postmaster, Surat, (a copy of my letter, I beg to insert, by the mail which leaves here on to-morrow.)

I have the honor to be,

Sir,

Your most obedient servant,

WM. M'PHAIL.

JOSEPH NORTH, ESQ.,
Returning Officer, Ipswich.

Gayndah, 4 February, 1858.

(Copy.)
Sir,

I have this day received, through the Gayndah Post Office, the enclosed letters, which, on perusing, I find are not intended for me; I, therefore, take the liberty of forwarding them to you, requesting you will be pleased to hand them to the person for whom they are intended, with the least possible delay, and you will thereby much oblige,

Sir,

Your obedient servant,

WM. M'PHAIL.

THE POSTMASTER,
Surat,
Maranoa District.

No. 3.

*Woorindoo, Surat,
23 February, 1858.*

SIR,

Yesterday (the 22nd) I received your letter appointing me as Returning Officer at Surat. The letter was mis-sent to a Mr. M'Phail, through the Gayndah Post Office, and forwarded to the Postmaster at Surat, to be delivered to me; but, from the above circumstances, I received it by far too late to act, which if I had, I should have done.

I am, Sir,

Your obedient servant,

J. G. M'KAY.

JOSEPH NORTH, ESQ.,
Returning Officer, Ipswich.

No. 4.

No. 4.

Gladstone, Port Curtis,
26 March, 1858.

SIR,

I beg to acknowledge the receipt of your letter of the 27th January last, together with its enclosures, which, in consequence of the withdrawal of the mail service between this and Gayndah, I did not receive until the 2nd instant—too late for me to act upon your instructions. I should have been most happy to have acted here in your behalf, and would have used my utmost endeavours to forward your views had I received your letters in time; and I trust you will impress upon the gentleman who has been elected to represent this District in the Parliament of New South Wales, the great necessity that exists of some steps being taken to improve the mail communication with this branch of the Colony. Not only have the inhabitants been deprived of the exercise of their political privilege, in voting for their representative in the House, but, from the very irregular manner in which the mails arrive here, business is very much impeded; and as we are now wholly dependent upon the shipping for the conveyance of the mails, a period varying from six weeks to two months must elapse between their arrival; and as regards letters from the interior, there is no certainty of their reaching their destination.

I would also suggest, that on any future occasion of an Election, the authority for holding the poll at Gladstone and Rannes be forwarded at the very earliest period, as after their receipt here they will have to be sent by express to Rannes, (120 miles); and as many of the squatters live at remote places, it would require at the least three or four days to make the thing known in this District.

I remain, Sir,

Your obedient servant,
R. E. PALMER.

JOSEPH NORTH, ESQ.,
Ipswich.

APPENDIX F.

No. 1.

Legislative Assembly Committee Rooms,
5 May, 1858.

SIR,

Referring to a letter, dated 23 February last, addressed by you to the Returning Officer of the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, Maranoa, &c., now in my possession; I have the honor, as Chairman of the Select Committee of the Legislative Assembly now inquiring into the Special Return to the Writ for the said Electoral District made by Mr. North, to request that you will as speedily as possible transmit to me Mr. North's communication, dated 29 January last, appointing you to act as Returning Officer at Surat, which you mention in your letter above referred to, that you received from Mr. McPhail of Gayndah, on the 22nd February, together with the letter of Mr. Fleming enclosed therein.

I have further to request that should you have lost or destroyed these documents you will specify their respective dates, and state their contents, as far as is in your power.

I have, &c.,

A. HODGSON,
Chairman.

J. G. M'KAY, ESQ.,
Deputy Returning Officer,
Surat.

No. 2—(With two Enclosures.)

Woorindoo, Surat,
Balonne River, 4 May, 1858.

SIR,

As requested by a letter just received from Joseph North, Esquire, Returning Officer for the United Districts of Moreton, Wide Bay, Burnett, Maranoa, Leichhardt, and Port Curtis, I have the honor to enclose two letters—one from that gentleman, appointing me as Deputy Returning Officer at Surat, and the other from Mr. Fleming, of Ipswich—which are all the papers I received or hold on this matter.

I have also the honor to state, that on receiving Mr. North's letter of 27th January, 1858, I immediately wrote that gentleman, intimating that I had received his letter too late to act, having received it after the 12th of February, 1858; and also stating the cause, so far as I thought, of the delay.

I have the honor to be,

Sir,

Your most obedient servant,
J. G. MACKAY,
Deputy Returning Officer at Surat.

ARTHUR HODGSON, ESQ., M. P.,
Chairman of a Committee of the
Legislative Assembly, Sydney.

(1.)

Ipswich, 27 January, 1858.

Sir,

The day of nomination is over, and that of election is at hand; so that I have no time to solicit the favor of acting as Returning Officer from any other person but yourself. Should, however, accident or illness prevent your attending the poll, you will perhaps be so kind as to get some other person to act in your stead, for which purpose, you will perceive, I have left the name in the enclosed authority blank, so that you can insert either your own name or that of any other person acting.

The Government remuneration to Returning Officers is two pounds per diem, if on the spot, or three pounds when he resides at a distance of two miles from the polling-place.

I am, Sir,

Your obedient servant,

JOSEPH NORTH,

Returning Officer.

The names of the Candidates are Tooth and Macalister.

Ipswich, 28 January, 1858.

I hereby appoint _____ to act as Returning Officer at Surat, and there to take the poll on Friday, the twelfth day of February next, for the Election of a Member to serve in the Legislative Assembly of New South Wales, for the Electoral District of the United Pastoral Districts of Moreton, Wide Bay, Burnett, Maranoa, Leichhardt, and Port Curtis.

JOSEPH NORTH,

Returning Officer.

(2.)

MR. M'KAY.

Ipswich, 27 January, 1858.

Dear Sir,

We have just got over the Nomination for the United Districts of Moreton, Wide Bay, Burnett, Maranoa, Port Curtis, and Leichhardt. Myself, with others, have brought Mr. Macalister forward to oppose W. B. Tooth for the above Districts, and I have recommended the Returning Officer to appoint you as one of the Deputy Returning Officers, for Surat, which I trust you will attend, as I feel a great interest in the return of Mr. Macalister in opposition to Tooth.

Yours truly,

JOSEPH FLEMING.

P.S.—You will receive instructions from Mr. North with this how to act.

J. F.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTIONS AND QUALIFICATIONS COMMITTEE.

(PETITION FROM MR. T. G. RUSDEN, RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 29 June, 1858.

To the Honorable the Legislative Assembly, in Parliament assembled.

The Petition of Thomas George Rusden,—

HUMBLY SHEWETH:—

That it appears the Resolution passed on Friday, the 11th instant, was carried by accident, or undesignedly.

That the most unfortunate circumstances must arise, if the Resolution founded on the Report of the Election Committee, passed in a House of twenty-four Members, rescinding Resolutions passed unanimously in a full House, and which was only carried by a majority of six—three of whom were Members of the Election Committee—be not itself rescinded.

That the Special Report of the Election Committee agreed to, and brought up and ordered to be printed on the 19th of May, containing two Resolutions for the opinion of the House, was perfectly legal and correct, so far as it went; but that the second Resolution therein contained has never been submitted to the opinion of the House.

That by Friday, the 11th of June—seven days after Mr. Scott's Resolution touching this Report had been submitted to the House—this Report had been altered, and now contains an entry of some proceedings totally illegal, but fatal to justice and to the claims of your Petitioner:—

1. That the Election Committee were *functi officio* on the 19th of May, and these proceedings took place on the 28th of May, 1858.
2. That on the 19th of May the Election Committee adjourned till Friday, the 21st of May; but there is no entry of any meeting or of any proceedings of Friday, the 21st of May, 1858, in their Special Report.
3. That no Election Committee can, at any time, under any circumstances, adjourn for more than five days (60th section, Electoral Act); yet in the Report as it now stands—having been altered from the period from the 4th of May and 11th of May, 1858—the succeeding entry to that of the 19th of May is that of the 28th May, 1858.

That your Petitioner seeks no favor, but prays that even-handed justice may be done; that the Constitution Act shall not be disregarded; that the Electoral Act shall be carried out in its true spirit, according to the 61st section, *without regard to legal forms and solemnities*.

That your Petitioner does not impute any blame to any one because of the great injustice done to him; for it is impossible that so many people could have permitted so palpable an error to have taken place except by pure mischance; the Journals of the House of Assembly, which are legal evidence, being rendered inaccurate thereby.

Your Petitioner prays your Honorable House will take such steps as, in the opinion of your Honorable House, will meet the importance and justice of the case.

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

T. G. RUSDEN.

1858.

Legislative Assembly.

NEW SOUTH WALES.

T. G. RUSDEN, ESQUIRE.

(PETITION FROM AGAINST RETURN OF A. O. MORIARTY, ESQUIRE.)

Ordered by the Legislative Assembly to be Printed, 9 April, 1858.

To the Honorable Legislative Assembly in Parliament assembled.

The Petition of Thomas George Rusden,—

HUMBLY SHEWETH:—

That at the late General Election three duly qualified candidates were nominated to serve as Members for the United Pastoral Districts of New England and the Macleay,—viz., William Tydd Taylor, Henry Parkes, and your Petitioner, Thomas George Rusden.

2. That some of the electors were deluded, and induced, by various means, to throw away their votes in favor of Mr. A. O. Moriarty, a person not really a candidate—being incapacitated by the Constitution Act, 18 and 19 Vic., cap. 54, from being elected—and also disqualified by the Police Disqualifying Act of 1854, 18 Vict., No. 5.

3. That the Returning Officer, instead of returning two of the three duly qualified, or legally nominated candidates, has, as your Petitioner believes, returned Mr. Abraham Orpen Moriarty, who was neither properly nominated nor duly elected, nor yet eligible or competent to be so.

4. That Mr. A. O. Moriarty not being able to take his seat, the Electors in the before-mentioned districts are virtually disfranchised, and defrauded entirely of the right of representation.

5. That the Electoral Act of 1851, 14 Vic., No. 48, does not provide any remedy, or point out to any Election Committee how to dispose of any such question.

6. That the disqualification of Mr. A. O. Moriarty is declared by the Constitution Act, 18 and 19 Vic., cap. 54; and the remedy is also there laid down in section 29,—viz., that the Legislative Assembly SHALL declare the return of any person declared by that Act to be incapable to be void.

7. That it would be a great injustice to your Petitioner to subject him to the expenses and dilatory delays incidental to an inquiry by any Election Committee. That your Petitioner has, before this time, had to appear before an Election Committee, but that he did not then receive his expenses, as, by the 72nd section of the Electoral Act, 14 Vic., No. 48, he was entitled to; and, as it appears to your Petitioner not wrong to assert, that by the 59th section of the same Act, such Committee were bound to award him.

8. That, on the nomination day of the Election referred to, Mr. Moriarty was asked whether he held any Government situation, and he replied *that he had resigned the office of Police Magistrate*. He was then asked if he held any qualification to vote for the election of a Member to serve in the Legislative Assembly, and he said *Yes, for the District of New England*. When asked what was his qualification on the Roll, he replied *Salary*, as, indeed, it appears on the Roll, being the SALARY he received from Government for holding the offices and performing the duties of Police Magistrate of Armidale and also that of Crown Land Commissioner for the District of New England.

9. That, therefore, your Petitioner further avers, that the Election Committee has no jurisdiction, and is incompetent to entertain or decide upon the matter at issue; because Mr. Moriarty, by the 68th section of the Electoral Act, 14 Vict., No. 48, cannot appear before any such Committee; for he did *not vote*, and had *no right to vote*, at the Election referred to.

10. That this is a matter involving the freedom and purity of Elections, the welfare of the whole Colony, the total disfranchisement of the Electors of the United Pastoral Districts of New England and the Macleay, and the integrity of your Honorable House; and, therefore, of the highest importance.

11. That your Petitioner thinks he has a right to petition your Honorable House on any matter of private injury or of public wrong, and that if any delays are permitted, a great injustice will be done to the Electors of these Districts, many of whom, including some who voted for Mr. Moriarty, have requested your Petitioner, and have urged him, to look after their interests in this matter. And that it would be a most manifest injustice to impose any loss on your Petitioner, to the advantage of a disqualified and incompetent person, merely because such person has committed an offence punishable by law.

12. That the present Executive Government have themselves disqualified Mr. Moriarty, even supposing his election to have been otherwise valid, by promising to give him a new appointment or a month's salary for every year that he may have served.

13. That on the grounds—Mr. Moriarty being disabled, and declared incapable of being elected, or of sitting or voting, by the 16th, 18th, 28th, and 29th sections of the Constitution Act, 18th and 19th Vic., cap. 54, and being incompetent to appear before any Election Committee—your Petitioner prays that your Honorable House will not refuse to receive this Petition; but that your Honorable House will rather take the matter into consideration, and will take such steps as may appear to your Honorable House to be conducive to the welfare of the Colony, and the relief of the Electors of the United Pastoral Districts of New England and the Macleay—who complain that they are defrauded of their share of representation in the Legislature.

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

T. G. RUSDEN.

1858.

Legislative Assembly.
NEW SOUTH WALES.

MR. T. G. RUSDEN.
(PRAYING REDRESS.)

Ordered by the Legislative Assembly to be Printed, 1 October, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of Thomas George Rusden,—

HUMBLY SHEWETH :—

That your Petitioner has good grounds, and believes, and, if called upon, undertakes to prove, to the satisfaction of your Honorable House, that Mr. Abram Orpen Moriarty, who was returned at the last General Election as a Member of the Legislative Assembly for Electoral District of New England, was at the time disqualified and by law incapable of being duly elected, or of sitting or voting in that capacity; and further, that the said Mr. Abram Orpen Moriarty was so returned by corrupt practices of persons acting on his behalf, whether with or without his knowledge and cognizance.

That your Petitioner complained against the return of the said Mr. Abram Orpen Moriarty, on the 14th of February last, by petition to the Governor General, containing the above allegations, and paid the sum of One hundred pounds to the credit of the Speaker, in the form and manner and within the time required by law in cases of alleged disqualification.

That your Petitioner also complained against the return of the said Mr. Abram Orpen Moriarty, by petition to the Speaker, and paid a further sum of One hundred pounds to his credit, in the form and manner, and within the time required by law in cases of alleged corruption.

That your Petitioner's petitions were in due form referred by your Honorable House to the Committee of Elections and Qualifications.

That your Petitioner, after considerable delay, was summoned and attended five times before the said Committee.

That the said Committee did not inquire into your Petitioner's case upon its merits, but dismissed it without taking evidence, upon purely formal and technical grounds, namely—on the grounds of your Petitioner's not having complied with the forms of law in the manner of bringing his Petition before your Honorable House.

That on these grounds, and these only, your Honorable House was induced to rescind its previous vote by which your Petitioner's case had been referred to the said Committee.

That your Petitioner denies that he has in any way failed to comply with the requirements of the law; but, even were such failure on the part of your Petitioner capable of proof, your Petitioner submits that the reference of his case by your Honorable House to the said Committee cured all previous irregularities, and that, therefore, the said Committee was bound to inquire into your Petitioner's case upon its merits, and to determine the matter according to equity and good conscience, without regard to legal forms.

That your Petitioner sincerely believes that your Honorable House has been surprised, or, it may be, misled, into a hasty decision in the matter of your Petitioner, upon insufficient grounds, and without due consideration of all the circumstances.

That your Petitioner further respectfully submits, that the interests of justice, and the dignity and character of your Honorable House, are concerned in affording your Petitioner a fair opportunity of substantiating the charges he has made against a Member of your Honorable House, and in a full and equitable investigation of such charges.

That your Petitioner is debarred from other means of inquiry and redress than by application to your Honorable House. And your Petitioner, therefore, prays that on the above premises your Honorable House will reconsider its decision, and afford your Petitioner such remedy as the justice of the case may require.

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

T. G. RUSDEN.

1858.

NEW SOUTH WALES.

Legislative Assembly.

PROPOSED STANDING ORDERS.

REPORT

FROM THE

STANDING ORDERS COMMITTEE,

WITH THE

PROPOSED STANDING ORDERS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

31st *March*, 1858.

Sydney :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,

PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY:

VOTES No. 3, THURSDAY, 25 MARCH, 1858.

4. Standing Orders Committee:—Mr. Cowper moved, pursuant to *amended* notice, That the Standing Orders Committee for the present Session consist of the following Members, viz. :—The Speaker, Mr. Arnold, Mr. Cowper, Mr. Donaldson, Mr. Owen, Mr. Faucett, Mr. Jones, Mr. Macarthur, Mr. Martin, and Mr. Piddington, with an instruction to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the business of this House, and to report the same with as little delay as possible; and with leave to sit during any adjournment, and authority to confer upon subjects of mutual concernment with any Committee appointed for similar purposes by the Legislative Council.
Question put and passed.
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VOTES No. 6, WEDNESDAY, 31 MARCH, 1858.

3. Standing Orders:—Mr. Cowper, on behalf of the Chairman, brought up from the Standing Orders Committee a Report, with the Draft Standing Orders prepared by that Committee, pursuant to an Instruction referred to them on the 25th instant,—
And laid upon the Table a Copy of the Standing Rules and Orders of the House of Commons.
Report and Draft Standing Rules and Orders ordered to be printed, and considered in Committee of the whole on Wednesday next;—
And Standing Rules and Orders of the House of Commons ordered to lie upon the Table.
-

1858.

NEW SOUTH WALES.

STANDING RULES AND ORDERS.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

OF THE

LEGISLATIVE ASSEMBLY,

WITH THE

PROPOSED STANDING ORDERS.

THE STANDING ORDERS COMMITTEE, to whom was referred, on the 25th instant, an Instruction “to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the Business of this House, and to report the same with as little delay as possible,” have agreed to the following Report:—

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

DANIEL COOPER,

Chairman.

*Legislative Assembly Chamber,**Sydney, 31st March, 1858.*

[The following text is extremely faint and largely illegible due to low contrast and scan quality. It appears to be a list or index of items, possibly names of people or places, arranged in several columns. Some faint words like "MAY" and "JUN" are visible.]

MAY 18 1864
 JUN 18 1864
 JUL 18 1864
 AUG 18 1864
 SEP 18 1864
 OCT 18 1864
 NOV 18 1864
 DEC 18 1864

[Illegible text continues in several columns, possibly representing a calendar or a list of events.]

PROPOSED

STANDING RULES AND ORDERS

OF THE

LEGISLATIVE ASSEMBLY

OF

NEW SOUTH WALES.

GENERAL CONDUCT OF BUSINESS.

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

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

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

4. If, at any time after the commencement of the business of the day, notice be taken that there is not a quorum of Members present, the Speaker shall count the House, and, if there be not a quorum present, shall, by his own authority, adjourn the House to the next day of meeting.

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

6. Whenever a Division shall be demanded by any Member, the Members present shall take their seats, the Ayes on the right, the Noes on the left of the Chair, respectively; and the Speaker shall appoint Tellers, two of each Party; and shall declare which has the Majority, from lists of the Members voting on each side to be handed to him by the Tellers; and, in the event of the Tellers not agreeing, the Speaker shall immediately appoint other Tellers, and so from time to time until the Tellers shall have agreed.

7. Previously to any Division, Strangers shall withdraw from the body of the House, but may remain in the Galleries unless otherwise ordered.

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

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

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

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

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

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

PETITIONS.

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

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

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

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

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

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

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

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

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

23. No Petition shall make reference to any Debate in the House.

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

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

NOTICES AND MOTIONS.

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

27. 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, to move, without previous notice, that it be printed, and that a day be appointed for its consideration.

28. Motions shall take precedence of Orders of the Day, and be moved in the order in which they stand on the Notice Paper, or lapse.

LAPSED

LAPSED QUESTIONS AND ORDERS.

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

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

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

 COMMITTEES OF THE WHOLE HOUSE.

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

33. Lists of Divisions in Committees of the whole House shall be printed weekly.

 SELECT COMMITTEES.

34. No Select Committee shall consist of less than five or more than ten Members, unless the House shall otherwise order.

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

36. Every Member proposing a Select Committee, and every Member introducing any Bill, Petition, or Motion, upon any subject which may be referred to a Select Committee, shall be one of the Committee without being named by the House.

37. 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.

38. 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 Member or Members entitled to serve on the Committee as of course, the Members of such Committee; and in any case of doubt, arising from two or Members having an equality of Votes, the Speaker shall decide which shall serve on such Committee.

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

40. In all Select Committees three shall be a quorum.

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

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

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

44. Every Select Committee shall have power to award payment to any professional or other witnesses they may deem it necessary to employ in furtherance of the inquiry with which the Committee is charged; and the production of the Chairman's certificate by any such witness, with a copy of such award signed by the Clerk of Select Committees, shall entitle him

to

to the Speaker's written order to the Clerk for payment of such sum as may be therein stated to be due to him for the special service to be therein named; and such order, with the Chairman's certificate and the copy of the award thereto appended, shall be sufficient authority and discharge to the Clerk for making such payment out of any public moneys in his hands, or by the ordinary course of public payments through the Colonial Treasury; and every such award, with the sum awarded, the particulars of the service rendered, and the name of the party in whose favor made, shall be entered on the Minutes of the Proceedings of the Committee.

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

PUBLIC BILLS.

46. Every Bill for the paving, lighting, or cleansing of any City or Town, or for supplying the same with water, shall be deemed and taken to be a Public Bill.

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

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

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

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

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

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

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

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

55. Public Bills coming to this House the first time from the Legislative Council, shall be proceeded with, in all respects, as similar Bills presented in pursuance of Orders of this House; and Private Bills so coming, if accompanied by printed copies of the Reports and Proceedings of the Select Committees of the Legislative Council to whom they may have been referred, shall be proceeded with in like manner, unless the

House

House shall otherwise order; and every such Bill as shall finally pass this House shall be returned by Message to the Legislative Council, with the Clerk's Certificate at the top, that "the Legislative Assembly have this day agreed to such Bill," "with" or "without amendment," as the case may require.

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

PRIVATE BILLS

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

58. 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.

59. All Petitions for Private Bills to be initiated in this House, shall be presented within thirty days from the commencement of the Session.

60. Every Petition for a Private Bill shall commence by setting forth, that within the three months previously to its presentation to the House, the Public Notice required by Section 57 has been duly given of the general objects of and the intention to apply for such Bill, and shall conclude with a true statement of the general objects of the Bill, and a prayer for leave to introduce it; and the production of the numbers of the Gazette and Newspaper or Newspapers containing such Notice, shall be sufficient proof of such Notice.

61. When the Petition shall have been received, Notice of Motion for leave to bring in the Bill shall be given, as in the case of Public Bills.

62. 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.

63. Before a Private Bill shall be read a first time, the sum of twenty-five pounds, to meet the expenses attendant on such Bill, shall be paid to the credit of the Consolidated Revenues of the Colony, and a Certificate of such payment shall be produced by the Member having charge of the Bill.

64. 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.

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

66. 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 Section 57 to be given by the party or parties applying for it.

67. When a Select Committee shall have reported in favor 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.

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

MESSAGES FROM THE GOVERNOR.

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

JOINT ADDRESSES TO THE GOVERNOR.

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

COMMUNICATIONS WITH THE LEGISLATIVE COUNCIL.

71. 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.

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

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

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

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

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

BY CONFERENCE.

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

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

matter at that time in possession of the Legislative Council.

79. 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.

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

BY JOINT COMMITTEES.

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

82. 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.

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

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

BY SELECT COMMITTEES COMMUNICATING WITH EACH OTHER.

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

STRANGERS.

86. The Speaker only shall have the privilege of admitting Strangers to the body of the House, but every Member shall have the privilege of admitting, by orders, not transferable, three Strangers to the Gallery.

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

CONTEMPT.

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

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

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

91. Every Member or other person adjudged by the House, for any of the causes hereinbefore mentioned, guilty of contempt, shall be fined in a penalty, at the discretion of the House, not exceeding twenty pounds, and in default of immediate payment, shall be committed, by the Warrant of the Speaker, to the custody of the Sergeant-at-Arms, for a period not exceeding fourteen days; and it shall be lawful for the Sergeant-at-Arms to detain such Member or person in his custody for the period directed by the House, unless sooner discharged by order of the House, or unless the amount of fine imposed shall be sooner paid.

SUSPENSION OF STANDING RULES AND ORDERS.

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

1858.

Legislative Assembly.

NEW SOUTH WALES.

EXPENSES OF PARLIAMENTARY WITNESSES.

REPORT

FROM THE

STANDING ORDERS COMMITTEE

ON

EXPENSES OF PARLIAMENTARY WITNESSES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

11 *November*, 1858.

SYDNEY :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 3. THURSDAY, 25 MARCH, 1858.

4. Standing Orders Committee:—Mr. Cowper moved, pursuant to *amended* notice, That the Standing Orders Committee for the present Session consist of the following Members, viz.:—The Speaker, Mr. Arnold, Mr. Cowper, Mr. Donaldson, Mr. Owen, Mr. Faucett, Mr. Jones, Mr. Macarthur, Mr Martin, and Mr. Piddington, with an instruction to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the business of this House, and to report the same with as little delay as possible; and with leave to sit during any adjournment, and authority to confer upon subjects of mutual concernment with any Committee appointed for similar purposes by the Legislative Council.
Question put and passed.
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VOTES No. 113. WEDNESDAY, 3 NOVEMBER, 1858.

2. State of the Magistracy—Expenses of Witnesses:—Mr. Murray, as Chairman, brought up a Second Progress Report from the Select Committee on the State of the Magistracy, together with an Appendix,—in reference to expenses of Witnesses.
Ordered to be printed, and referred to the Standing Orders Committee for consideration and Report.
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VOTES No. 118. THURSDAY 11 NOVEMBER, 1858.

2. State of the Magistracy—Expenses of Witnesses:—Mr. Arnold, on behalf of the Speaker, as Chairman, brought up the Report from the Standing Orders Committee on the Progress Report from the Select Committee on the State of the Magistracy, on the subject of Expenses of Witnesses, which was referred to the Standing Orders Committee, for consideration and Report, on the 3rd instant.
Ordered to be printed.
-

1858.

EXPENSES OF PARLIAMENTARY WITNESSES.

REPORT.

THE STANDING ORDERS COMMITTEE, for whose consideration and report was referred on the 3rd instant,—“*A Progress Report from the Committee on the ‘State of the Magistracy,’ in reference to an application by the Revd. Charles F. D. Priddle for expenses incurred by him in travelling, and otherwise in obedience to summons from that Committee,*”—have agreed to the following Report.

Your Committee having well considered the matter so referred to them, are of opinion that there is nothing in the case of Mr. Priddle to take it out of the class of cases of ordinary witnesses summoned in an ordinary way merely to give evidence, to whom expenses are not allowable in contemplation of the 44th section of the Standing Orders.

Upon a review of the whole question of expenses to Witnesses, your Committee are inclined to the opinion that the practice of the House of Commons in this respect, as shown in May, page 334, would be a fitting subject for consideration in framing the Standing Orders for the new Parliament.

DANIEL COOPER,
Chairman.

*Legislative Assembly Chamber,
Sydney, 11 November, 1858.*

1858.

Legislative Assembly.

NEW SOUTH WALES.

QUESTION OF PRIVILEGE—

GOVERNOR GENERAL'S ANSWER TO ADDRESS ON PROPOSED DISPATCH OF ARTILLERY TO INDIA.

REPORT

FROM

THE SELECT COMMITTEE

ON

QUESTION OF PRIVILEGE—

GOVERNOR GENERAL'S ANSWER TO ADDRESS ON PROPOSED
DISPATCH OF ARTILLERY TO INDIA ;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE.

ORDERED, BY THE LEGISLATIVE ASSEMBLY, TO BE PRINTED,

20 April, 1858.

SYDNEY :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 13. FRIDAY, 16 APRIL, 1858.

3. Question of Privilege:—Proposed dispatch of Artillery to India:—Mr. Thornton, adverting to the answer given yesterday by the Governor General to the Address to His Excellency, adopted by this House on the 13th instant, on the proposed dispatch of the Company of Artillery to India,—moved, without previous notice:—
- (1.) That a Select Committee be appointed to take into consideration the answer of His Excellency the Governor General to the Address adopted by this House on the 13th instant, in reference to the proposed dispatch of the Company of Artillery to India, and to prepare an Address in reply, in vindication of the course pursued by this House in that matter.
- (2.) That such Committee consist of the following Members, viz.:—The Honorable the Colonial Secretary, Mr. Smith, Mr. Macarthur, Mr. Donaldson, Mr. Forster, Mr. Jones, Mr. Weckes, Mr. Parkes, Mr. Piddington, and the Mover.
- And Mr. Arnold having required that the Committee, if granted, be appointed by Ballot,—
- Debate ensued.
- Question (1.)—That a Select Committee be appointed to take into consideration the answer of His Excellency the Governor General to the Address adopted by this House on the 13th instant, in reference to the proposed dispatch of the Company of Artillery to India, and to prepare an Address in reply, in vindication of the course pursued by this House in that matter—put and passed;—
- Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be, with the mover, the Committee duly appointed, viz.:—Mr. Jones, Mr. Cowper, Mr. Piddington, Mr. Parkes, Mr. Donaldson, Mr. Weckes, Mr. Smith, Mr. Forster, and Mr. Macarthur.
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VOTES NO. 14. TUESDAY, 20 APRIL, 1858.

6. Question of Privilege:—Proposed Dispatch of Artillery to India:—Mr. Thornton, as Chairman, having brought up the Report from the Select Committee appointed on the 16th instant, to prepare a reply to the Governor General's answer to the Assembly's Address of the 13th instant, in reference to the proposed dispatch of the Company of Artillery to India,—
- The same was read at length by the Clerk, and ordered to be printed.
- Mr. Thornton then moved, That the consideration of the Report stand an Order of the Day for to-morrow, and have precedence of all other business, including Notices of Motion.
- Question put and passed.
-

1858.

QUESTION OF PRIVILEGE—**GOVERNOR GENERAL'S ANSWER TO ADDRESS RELATIVE TO PROPOSED
DISPATCH OF ARTILLERY TO INDIA.**

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 16th instant, to take into consideration the answer of His Excellency the Governor General to the Address adopted by the House on the 13th instant, in reference to the proposed dispatch of the Company of Artillery to India, and to prepare an Address in reply, in vindication of the course pursued by the House in that matter, have agreed to the following Report :—

Your Committee having carefully considered the answer made by the Governor General to the Address presented to His Excellency on the 15th instant, relative to the proposed dispatch of the Company of Artillery to India, and having prepared an Address in reply thereto, beg now to submit the same for the approval of your Honorable House.

GEORGE THORNTON,

Chairman.

*Legislative Assembly Chamber,
Sydney, 20 April, 1858.*

LEGISLATIVE ASSEMBLY.

TO HIS EXCELLENCY SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia and Western Australia, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of New South Wales in Parliament assembled, having had under consideration Your Excellency's Reply to the Address of this House, bearing date 15 April, in reference to the proposed dispatch of the Company of Artillery to India, regret that Your Excellency should have been advised to express yourself therein in terms which appear to us calculated to impair the cordiality which it is obviously essential should be maintained between the several branches of the Legislature.

Truth and the dignity of this House alike require that we should in the most emphatic manner declare, that there is neither justice nor correctness in the imputations which would seem to be conveyed in Your Excellency's statements, to the effect that "we have entirely altered our opinion as to the policy of the measures adopted by the Government for affording assistance to our countrymen in India," and that after "recording in the most unqualified terms our approval of the course adopted by the Government, we have, so far from offering any assistance to the Government of India, shown every disposition to withhold that aid which the Government and the Military authorities are alike convinced might safely and advantageously be afforded"

We think it unnecessary, on the present occasion, to repeat our assurances of sympathy with our fellow subjects in India, or of our willingness to furnish every assistance in our power, should any necessity arise.

It is, at the same time, a source of satisfaction to us to learn that Your Excellency has, in compliance with our request, suggested to the Major General in command of the Troops, that, until further advices may arrive from India, the Artillery may be allowed to remain in Sydney.

Speaker.

*Legislative Assembly Chamber,
Sydney, 20 April, 1858.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 20 APRIL, 1858.

Members Present:—

Mr. Thornton,		Mr. Smith,
Mr. Parkes,		Mr. Macarthur,
Mr. Piddington,		Mr. Forster,
Mr. Jones,		Mr. Cowper,
	Mr. Donaldson.	

Mr. Thornton was called to the Chair.

By direction of the Chairman, the several Extracts from the Votes and Proceedings referring to the matter under the consideration of the Committee, read by the Clerk, viz. :—

VOTES NO. 2. WEDNESDAY, 24 MARCH, 1858.

8. The Governor General's Opening Speech :—The Speaker reported that the House had this day attended His Excellency the Governor General in the Legislative Council Chamber, where His Excellency delivered an Opening Speech to both Houses of Parliament, of which, for greater accuracy, he had obtained a copy, which he then read to the House at length, as follows :—

* * * * *

8. Under an impression that the Sikhs in India had risen, and feeling convinced that a large portion of the troops in New South Wales could, without danger to the public safety, be spared, while it was probable that an augmentation of the Forces in India would be advantageous, the Government proposed to the General Commanding in the Australian Colonies that the 77th Regiment should proceed to India, leaving only two Companies to perform Military duty in the Colony. It was also proposed that the Company of Artillery should be detached for a time, to assist in quelling the disturbances in the Indian territories, and that a number of horses to remount the battery should be provided at the expense of the Colony, in order by such contribution to shew the sympathy of the people of New South Wales with their fellow countrymen in India in their time of danger and necessity.

9. Later accounts from India give reason to hope that the insurrection there has been put down; but instructions from the War Office have arrived by the last Mail ordering the 77th Regiment to Hong Kong, and directing that the Commander of the Forces shall make arrangements for stationing a sufficient number of soldiers belonging to another Regiment in this Colony. The withdrawal of so large a number of the regular troops will render it desirable that greater interest than has been hitherto evinced should be taken to secure the formation of a Colonial Corps, of a permanent character, to be in a state of readiness for service, if required.

* * * * *

Mr. Owen then moved, and Mr. Williamson seconded the motion,—

(1.) That a Select Committee be appointed to prepare an Address in reply to the Speech delivered by His Excellency the Governor General, on opening this first Session of the second Parliament of New South Wales.

(2.) That such Committee consist of the following Members, viz. :—Mr. Aldcorn, Mr. Flood, Mr. Dickson, Mr. Jamison, Mr. Oakes, Mr. Piddington, Mr. White, and the Mover and Seconder.

Question put and passed,—

And the Committee retired to prepare the Address

Mr. Owen having brought up the Address prepared by the Committee, the same was read by the Clerk, on motion of Mr. Owen, as follows :—

* * * * *

“ 6. It would have afforded us the highest gratification to have been able to co-operate with your Excellency in your proposal for the transmission of the 77th Regiment and the Company of Artillery stationed in Sydney to India had the supposed necessity arisen. We rejoice, however, that the singular heroism of Her Majesty's troops, and the success by which that heroism has been so speedily followed, have rendered it unnecessary to incur expenses which our feelings of loyalty to our Sovereign, and sympathy with our fellow-subjects in India, would have led us cheerfully and promptly to contribute.”

* * * * *

VOTES No. 3. THURSDAY, 25 MARCH, 1858.

Address in reply to the Governor General's Opening Speech:—On motion of Mr. Cowper the Assembly proceeded to Government House, there to present to the Governor General their Address in reply to His Excellency's Opening Speech,— And, having returned, the Speaker reported that the Assembly had been to Government House, and there presented to the Governor General their Address in reply to His Excellency's Opening Speech, and that His Excellency had been pleased to make thereto the following answer:—

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

I acknowledge thankfully the expressions of loyalty and affection for Her Majesty's person and Government contained in the Address just presented. And I receive with pleasure the assurance of your co-operation and support in the promotion of the measures which will be submitted for your consideration.

The Government and the people of India will, I feel certain, appreciate that ready sympathy expressed by you, and your willingness to extend to them every assistance in your power,—which I shall take the earliest opportunity of communicating to the Most Noble the Governor General.

*Government House,
Sydney, 25 March, 1858.*

W. DENISON.

VOTES No. 7. WEDNESDAY, 7 APRIL, 1858.

Purchase of Horses for Artillery drafted to India:—The following Message from His Excellency the Governor General received and read:—

W. DENISON,
Governor General.

Message No. 3.

The accompanying Despatch has just been received by His Excellency from the Most Noble the Governor General of India, requesting that such Troops as may be spared from the Australian Colonies may be forwarded forthwith to Calcutta, and particularizing more especially a Regiment of Infantry and a Company of Artillery.

Confiding in the assurances conveyed in the Address of the 24th ulto., the Governor General does not hesitate to apply to the Legislative Assembly to make provision for the purchase of the Horses which are required, in order to enable the Company of Artillery, which it is proposed to detach to the assistance of the Indian Government, to take the field at once on landing at Calcutta.

The number of Horses required will be 104, and the cost of purchasing them is estimated at £35 per horse, or £3,640.

*Government House,
Sydney, 7th April, 1858.*

Ordered to be printed, together with the accompanying Despatch, and taken into consideration in Committee of Supply.

[*Enclosure to the foregoing.*]

Calcutta, 30 January, 1858.

SIR,

A private letter of the 12th of December, which I had the honor to receive from your Excellency a few days ago, leads me to believe that it may be in the power of your Excellency's Government, when this letter reaches Sydney, to spare from the Forces now stationed in the Australian Colonies one Regiment of Infantry, and perhaps one Company of Artillery.

In the hope that this may be the case, Her Majesty's Steam Transport "Megara" is despatched to Sydney to bring to Calcutta such portion of the Troops as your Excellency or the Commander in Chief may think proper to place in her. For the transport of the remainder the Government of India must trust to your Excellency's good offices in taking measures to provide such tonnage as may be available and suitable. Your Excellency will probably not expect me to give any assurance as to the time at which it may be possible to restore to the Colony the force which you may be able now to spare from it. It may be sufficient to say that the Troops shall not be kept longer than necessary—how long that may be depends not only upon the course of events in India, but also upon the extent to which the army in India may be strengthened by reinforcements from England fit for early service in the field.

It is well that I should add that I attach more importance to an additional Regiment of Infantry than to an increase of Artillery in the field.

I have, &c.,

CANNING.

His Excellency Sir W. Denison,
&c., &c., &c.,
Sydney.

VOTES No. 10. TUESDAY, 13 APRIL, 1858.

15. Proposed Dispatch of Artillery to India :—Mr. Thornton moved, pursuant to *amended* notice,—

(1.) That it is the opinion of this House, That the Despatch of the Governor General of India does not urgently require that the Company of Royal Artillery at present stationed in Sydney should be sent to India; and this House is also of opinion, that the withdrawal of this force at the present time, would leave our expensively constructed Fortifications unmanued and useless, and this City in a defenceless position.

(2.) That, for the foregoing and other grave reasons, the removal of this force as contemplated, would be inexpedient and injudicious.

(3.) That an Address embodying the above Resolutions be presented to His Excellency the Governor General.

Debate ensued.

Question put.

The House divided—

Ayes, 27.

Noes, 21.

LEGISLATIVE ASSEMBLY.

To His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor-General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY :—

We, Her Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of New South Wales, in Parliament assembled, beg respectfully to communicate to your Excellency the following Resolutions, this day adopted by this House, viz. :—

“(1.) That the Despatch of the Governor-General of India does not urgently require that the Company of Royal Artillery at present stationed in Sydney should be sent to India; and this House is also of opinion, that the withdrawal of this force at the present time, would leave our expensively constructed Fortifications unmanued and useless, and this City in a defenceless position.

“(2.) That, for the foregoing and other grave reasons, the removal of this force as contemplated, would be inexpedient and injudicious.

“(3.) That an Address embodying the above Resolutions be presented to His Excellency the Governor General.

*Legislative Assembly Chamber,
Sydney, 13 April, 1858.*

DANIEL COOPER,
Speaker.

VOTES No. 12, THURSDAY, 15 APRIL, 1858.

1. Proposed dispatch of Artillery to India :—The Speaker reported that he had presented to the Governor General the Address adopted by this House on the 13th instant, in reference to the proposed dispatch of the Company of Artillery to India, and that His Excellency had been pleased to make thereto the following answer ;—

MR. SPEAKER AND GENTLEMEN
OF THE LEGISLATIVE ASSEMBLY,

I regret that you should have seen reason, within the very short period which has elapsed since the commencement of the Session, to have so entirely altered your opinion as to the policy of the measures adopted by the Government for affording assistance to our countrymen in India, as to have given your assent to the Resolutions which have just been read.

Confident in your willingness to enable the Government to carry out the arrangements made with the Major-General in Command of the Troops, I communicated to the Secretary of State, and to the Governor General of India, the nature and amount of the assistance which might, in case of necessity, be expected from this Colony; and I am, I confess, deeply grieved that I should now be compelled to admit that the Legislative Assembly, after recording, in the most unqualified terms, its approval of the course adopted by the Government, has, so far from offering any assistance to the Government of India, shown every disposition to withhold that aid which the Government and the Military authorities are alike convinced might safely and advantageously be afforded.

Whatever may be the opinion of the Legislative Assembly as to the meaning of the Despatch of the Most Noble the Governor General of India, I will take upon myself to assure you, that the services of the Company of Artillery are urgently required in that Country; and that a Battery fully horsed and ready to take the field (as I was in hopes the one sent from this Colony might have been) would be of the greatest possible assistance to the force about to move forward to the attack of Oude and Rohilcund.

I think too highly of the inhabitants of Sydney to participate in the apprehension expressed, that the departure of one hundred Artillerymen would leave the
City

City defenceless; neither am I of opinion that, in a time of profound peace, it is at all necessary to retain in idleness a force which might be most advantageously employed for its own credit, and the service of Her Majesty, in another part of Her dominions.

As, however, the Legislative Assembly has expressed an opinion that the removal of the Artillery from Sydney would be inexpedient and injudicious, I have made known these Resolutions to the Major General in Command of the Troops, and have suggested that, until further advices may arrive from India, this portion of the Military Force may be allowed to remain in Sydney.

W. DENISON.

*Government House,
Sydney, 15 April, 1858.*

Committee deliberated.

Mr. Cowper, the Colonial Secretary, stated that his attendance at the meeting of the Committee was owing to the House having, *by Ballot*, appointed him a Member thereof, but that he would now gladly withdraw, unless the Committee considered that his services might be useful in furthering the inquiry.

Committee deliberated, and being of opinion that it would be more expedient that the Colonial Secretary should be present, for the purpose of affording some explanation of the circumstances attendant on the framing of the answer made by the Governor General to the Address adopted by the House on the 13th instant, provided he were himself willing to give such explanation;—

Mr. Cowper thereupon explained to the Committee the circumstances under which the answer to the said Address was drawn up by His Excellency.

Committee then deliberated as to the advisability of adducing, in the Address in reply to be prepared by them, proofs of the incorrectness of the allegations contained in the Governor General's answer to the Address under their consideration, and were of opinion that such a course at the present time was not only unnecessary but inexpedient.

After further deliberation,—

Motion made (*Mr. Donaldson*) and *Question* :—

- “(1.) That a Sub-Committee be appointed to draft an Address in reply forthwith,
“ for the consideration of the Committee.
- “(2.) That such Sub-Committee consist of Mr. Macarthur, Mr. Forster, and
“ Mr. Piddington.
- “(3.) That the Committee meet again at half-past two o'clock *this day*, for the
“ consideration of such Draft Address.”

Agreed to.

[*Adjourned till half-past Two o'clock this day.*]

TUESDAY, 20 APRIL, 1858.

Members Present :—

George Thornton, Esquire, in the Chair.

Mr. Macarthur,	Mr. Jones,
Mr. Piddington,	Mr. Smith,
Mr. Forster,	Mr. Donaldson.

Committee met pursuant to certain Resolutions agreed to, on motion of Mr. Donaldson, at a previous meeting *this day*;—

And the Sub-Committee appointed to prepare the Draft Address in reply to the Governor General having brought up the same,—

Motion made and *Question*,—“That the Draft Address proposed by the Sub-Committee be now read.”—*Agreed to.*

Draft Address read accordingly.

And Committee having carefully considered the same, and made certain *verbal* amendments therein;—

Motion made and *Question*,—“That this Address, as *verbally* amended, be now adopted by the Committee.”—*Agreed to.*

Whereupon Motion made and *Question*,—“That the Chairman in laying the Report “upon the Table of the House do move :—

- “(1.) That the consideration of the Report stand an Order of the Day for
“ *to-morrow*, to have precedence of all other Business, including Notices
“ of Motion.

“(2.) That the Address prepared by the Committee be adopted by the House.”
Agreed to.

Chairman requested to Report the Address in reply to the House.

1858.

Legislative Assembly.

NEW SOUTH WALES.

MANAGEMENT OF THE SURVEY DEPARTMENT.
(QUESTION OF PRIVILEGE.)

PROGRESS REPORT

FROM

THE SELECT COMMITTEE

ON THE

MANAGEMENT OF THE SURVEY DEPARTMENT;
(QUESTION OF PRIVILEGE)

TOGETHER WITH AN EXTRACT FROM THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

16 *September*, 1858.

SYDNEY :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 21. FRIDAY, 30 APRIL, 1858.

5. Management of Survey Department :—Mr. White moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire into, and report upon, the management, past and present, of the Survey Department of the Colony, with liberty to send for persons and papers.
(2.) That such Committee consist of Mr. Robertson, Mr. Hay, Mr. Scott, Mr. Aldcorn, Mr. George Macleay, Mr. Forster, Mr. Moriarty, Mr. Donaldson, Mr. Piddington, and the Mover.
Question put and passed.
-

VOTES, No. 94. THURSDAY, 16 SEPTEMBER, 1858.

4. Management of the Survey Department—Question of Privilege :—Mr. White, as Chairman, brought up a Progress Report from the Select Committee on the Management of the Survey Department, in reference to a Question of Privilege which had arisen out of the Inquiry carried on by the Committee.
Report read at length by the Clerk, and,—
Ordered to be printed.
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1858.

MANAGEMENT OF THE SURVEY DEPARTMENT.
(QUESTION OF PRIVILEGE.)

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 30 April last, "to inquire into, and report upon, the Management, past and present, of the Survey Department of the Colony, with liberty to send for persons and papers," have agreed to the following Progress Report:—

Your Committee deem it necessary to invite the immediate attention of your Honorable House to the fact that two witnesses—Mr. W. W. Darke, Surveyor, and Mr. C. F. Gorton, Clerk, in the Survey Department—who were duly summoned by, and examined before them on the 18th and 21st May and 5th August last, have, in consequence of the evidence given by them on such occasions, been subjected by the Surveyor General, in his capacity as head of their Department, to a series of * questions of a most inquisitorial character.

Your Committee are of opinion that your Honorable House ought to mark with its decided disapproval so improper and irregular an interference on the part of the Surveyor General, calculated as it undoubtedly is, not only to deter subordinate officers in the public service from affording to Select Committees of your Honorable House information which may be of the utmost importance, but even entirely to destroy the utility of instituting any inquiry into the conduct of the Public Departments of the Colony.

G. BOYLE WHITE,
Chairman.

Legislative Assembly Chamber,
Sydney, 16 September, 1858.

* Vide Minutes of Proceedings on 27 August, 1858, appended hereto.

PROCEEDINGS OF THE COMMITTEE.

(EXTRACT.)

* * * * *

FRIDAY, 27 AUGUST, 1858.

Members Present :—

G. B. White, Esq., in the Chair.

Mr. Donaldson,
Mr. Forster,Mr. Moriarty,
Mr. Aldcorn.Mr. *John Thompson* further examined.

The Chairman then laid before the Committee;—

Two letters received by him, dated 12th and 23rd August, 1858, from Mr. C. F. Gorton, who was examined before the Committee on the 5th instant, stating that, in consequence of the evidence given by him on that occasion, certain memoranda had passed between him and the Surveyor General, copies of which he enclosed, for the information of the Committee.

Letter of 23rd instant and memoranda read, viz. :—

DEAR SIR,

My application to the Honorable the Secretary for Lands and Works, begging a re-consideration of my case, having been this day forwarded with a recommendation that I may either be dismissed, or be told to seek an exchange elsewhere, and the queries with their replies relative to my examination by your Committee having also been transmitted, in order to prove my *insubordination*; I beg to enclose a copy of the queries alluded to, as perhaps you will be able thereby to judge of the animosity evinced by Mr. Halloran on account of my having been summoned to give evidence before you.

I have, &c,
C. F. GORTON.Survey Department,
23 August, 1858.

MR. HALLORAN,

Query.

Request Mr. Gorton's reply to the following question :—

Under what circumstances were you required to give your evidence before the Committee of the Legislative Assembly appointed to inquire into the working of the Survey Department—was it by personal application to the Chairman? and if so, did you obtain permission, either from Mr. Secretary Robertson, or the Head of your Department to make such application.

G. B.
9 August, 1858.*Reply.*

Mr. Halloran,

In a conversation with Mr. White, on my own affairs, and amongst others that of my application for promotion to Mr. Secretary Robertson, I was asked whether I had any objection to be examined before the Select Committee.

C. F. GORTON.
9-8-58.

Mr. Darke is requested to reply to the following questions :—

1. Under what circumstances, and for what purpose did you introduce Mr. Gorton to the Chairman of the Committee on the Survey Department?

At Mr. Gorton's own request—*certainly* for no purpose of mine, direct or indirect. I took no part in the conversation which ensued.

2. Was the introduction made during office hours?

About a quarter past 9 A.M.

3. Did you obtain the sanction of the Head of your Department?

I did not—not feeling conscious of impropriety in omitting to do so—no disrespect was ever thought of.

W. W. DARKE.
17 August, 1858.

Mr.

Mr. Darke is requested to state whether Mr. Gorton informed him for what purpose he requested an introduction to Mr. White.

G. B.

Mr. Gorton came to me and said that his veracity had been officially impugned, and asked what he should do? I said, "As a gentleman you *must* vindicate yourself." How can I do so? Lay the matter truly before Mr. Robertson, he replied. That will be too late, as a decision will have been arrived at. Will you introduce me to Mr. White?

W. W. DARKE.

P. S.—The above questions are in the original in the Surveyor General's handwriting, but no doubt were dictated by Mr. Halloran.

Committee deliberated.

Motion made and *Question*—"That Colonel Barney and Mr. Halloran be summoned before this Committee, as witnesses, for Wednesday next, for the purpose of being examined relative to the matter complained of in Mr. Gorton's communication"—*agreed to*.

[Adjourned till Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 1 SEPTEMBER, 1858.

Members Present:—

G. B. White, Esq., in the Chair.

Mr. Piddington	|	Mr. Forster,
Mr. Aldcorn,	|	Mr. Moriarty.

* * * * *

Colonel Barney, R. E., then called in.

By direction of the Chairman, Minutes of Proceedings taken at the last Meeting of the Committee, read by the Clerk.

Colonel Barney, R. E., further examined.

At the close of his examination, Colonel Barney stated, that Mr. H. Halloran, in consequence of recent domestic affliction, would be unable to attend before the Committee, as a witness, for *this day*.

Whereupon motion made and *Question*—"That Mr. H. Halloran be now summoned before this Committee, as a witness, for Friday next"—*agreed to*.

* * * * *

[Adjourned till Friday next, at *Eleven* o'clock.]

FRIDAY, 3 SEPTEMBER, 1858.

Members Present:—

Mr. White, | Mr. Scott.

A Quorum of the Committee not being present,—

[Adjourned till Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 8 SEPTEMBER, 1858.

Members Present:—

G. B. White, Esq., in the Chair.

Mr. Moriarty, | Mr. Aldcorn.

Committee deliberated.

Mr. H. Halloran called in.

By direction of the Chairman, the two *letters* from Mr. C. F. Gorton, dated 12th and 23rd August, 1858, and the *memoranda* appended to that of the 12th August, (*vide* "*Minutes of Proceedings, 27 August, 1858*"), read by the Clerk.

Mr. *H. Halloran*, further examined.

Committee deliberated, and it was resolved:—

- "(1.) That a full Meeting of this Committee be convened for Friday next, to
- "consider the Question of Privilege involved in the notice taken of the
- "Proceedings of the Committee prior to their Report to the House, as shown
- "in Mr. Gorton's communication of the 12th ultimo, and the copies of
- "memoranda thereto appended, and by the Evidences of the Surveyor General
- "and Chief Clerk thereupon."

[Adjourned till Friday next, at *Eleven* o'clock.]

FRIDAY, 10 SEPTEMBER, 1858.

Members Present:—

G. B. White, Esq., in the Chair.
 Mr. Piddington, | Mr. Moriarty,
 Mr. Forster, | Mr. Robertson.

Committee met, pursuant to a Resolution agreed to at their last Meeting, to consider the Question of Privilege involved in the notice taken by the Surveyor General of certain of their Proceedings, prior to their Report to the House.

By direction of the Chairman, Minutes of Proceedings of the Committee on the 27th ultimo, and a portion of the unrevised Evidence, *in manuscript*, given by Mr. H. Halloran on the 3^d instant, read by the Clerk.

Committee deliberated.

Motion made (Mr. Forster) and Question proposed:—

“That this Committee are of opinion, that the following witnesses examined before them, namely, Mr. C. F. Gorton and Mr. W. Darke, have been, since their examination, subjected to an improper and irregular interference on the part of the Surveyor General.”

Deliberation continued.

Question put and agreed to.

Whereupon Motion made (Mr. Piddington) and Question,—

“(1.) That the Chairman do prepare a Progress Report for the consideration of the Committee, embodying the purport of this Resolution.

“(2.) That after laying such Report on the Table of the House, the Chairman do give notice that he will move for its adoption, and that an Address be presented to His Excellency the Governor General, transmitting a copy of the same.”—

agreed to.

* * * * *

[Adjourned till Tuesday next, at Eleven o'clock]

TUESDAY, 14 SEPTEMBER, 1858.

Members Present:—

Mr. White, | Mr. Donaldson.

Mr. Henry Sanderson was in attendance as a witness, but a Quorum of the Committee was not present.

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

WEDNESDAY, 15 SEPTEMBER, 1858.

The Meeting of the Committee convened for this day lapsed in consequence of the adjournment of the House from Tuesday, the 14th, to Thursday, the 16th instant.

THURSDAY, 16 SEPTEMBER, 1858.

Members Present:—

G. B. White, Esq., in the Chair.
 Mr. Donaldson, | Mr. Piddington,
 Mr. Forster.

The Chairman laid before the Committee a Draft Progress Report, embodying the purport of the Resolution agreed to at their last Meeting, on motion of Mr. Forster.

Motion made (Mr. Forster,) and Question,—“That this Report be now read,”—agreed to.

Report read accordingly.

Committee deliberated, and verbally amended the same.

Whereupon Motion made and Question,—“That this Progress Report, as verbally amended, be the Progress Report of the Committee”—agreed to.

Chairman requested to Report Progress to the House.

* * * * *

1858.

Legislative Assembly.

NEW SOUTH WALES.

MANAGEMENT OF THE SURVEY DEPARTMENT.
(QUESTION OF PRIVILEGE.)

SECOND PROGRESS REPORT

FROM

THE SELECT COMMITTEE

ON THE

MANAGEMENT OF THE SURVEY DEPARTMENT;
(QUESTION OF PRIVILEGE)

TOGETHER WITH EXTRACTS FROM THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE, AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

1 October, 1858.

SYDNEY:

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PHILLIP-STREET.

1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 21. FRIDAY, 30 APRIL, 1858.

5. Management of the Survey Department:—Mr. White moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire into, and report upon, the management, past and present, of the Survey Department of the Colouy, with liberty to send for persons and papers.
(2.) That such Committee consist of Mr. Robertson, Mr Hay, Mr. Scott, Mr. Aldcorn, Mr. George Macleay, Mr. Forster, Mr. Moriarty, Mr. Donaldson, Mr. Piddington, and the Mover.
Question put and passed.

VOTES No. 94. THURSDAY, 16 SEPTEMBER, 1858.

4. Management of the Survey Department—Question of Privilege:—Mr. White, as Chairman, brought up a Progress Report from the Select Committee on the Management of the Survey Department, in reference to a Question of Privilege which had arisen out of the Inquiry carried on by the Committee.
Report read at length by the Clerk, and,—
Ordered to be printed.

VOTES No. 99. FRIDAY 1 OCTOBER, 1858.

13. Management of the Survey Department—Question of Privilege:—Mr. White, as Chairman, brought up a Second Progress Report from, and laid upon the Table, Minutes of certain Evidence taken before the Select Committee on the Management of the Survey Department, in reference to the Question of Privilege which had arisen out of the Inquiry carried on by the Committee.
Ordered to be printed.

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1858.

MANAGEMENT OF THE SURVEY DEPARTMENT.

(QUESTION OF PRIVILEGE.)

SECOND PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 30th April last "to inquire into, and report upon, the Management, past and present, of the Survey Department of the Colony, with liberty to send for persons and papers," and who, on the 16th ultimo, "brought up a Progress Report in reference to a Question of Privilege which had arisen out of the Inquiry carried on by the Committee" — have agreed to the following Second Progress Report.

Your Committee beg to lay before your Honorable House the evidence given by the *Surveyor General and †Mr. Henry Halloran in reference to the Question of Privilege with respect to which your Committee, on the 16th ultimo, made a Progress Report to your Honorable House.

GEORGE BOYLE WHITE,
Chairman.

*Legislative Assembly Chamber,
Sydney, 1 October, 1858.*

PROCEEDINGS OF THE COMMITTEE.

(EXTRACT.)

FRIDAY, 1 OCTOBER, 1858.

Members Present:—

G. B. White, Esq., in the Chair.

Mr. Piddington, | Mr. Hay,
Mr. Forster.

The Chairman desired the opinion of the Committee as to the expediency of forthwith reporting to the House the evidence given by Colonel Barney on the 1st, and Mr. Henry Halloran on the 8th ultimo, in reference to the Question of Privilege with respect to which a Progress Report had been laid upon the Table of the House on the 16th ultimo.

Committee deliberated, and it was *Resolved* :—

- “1. That it is expedient that the evidence given by Colonel Barney and Mr. Henry Halloran in reference to the said Question of Privilege be forthwith reported to the House.”
- “2. That for this purpose the Chairman do at once prepare a Second Progress Report for the consideration of the Committee.”

* * * * *

The Chairman then laid before the Committee a Draft Report.

Report read.

Motion made and *Question*—“That this Report be the Second Progress Report of the Committee”—*agreed to*.

Chairman requested to Report further Progress to the House.

[Adjourned till Thursday next, at *Eleven o'clock*.]

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1858.

Legislative Assembly.

NEW SOUTH WALES.

EXTRACT FROM THE MINUTES OF EVIDENCE

TAKEN BEFORE THE SELECT COMMITTEE

ON THE

MANAGEMENT OF THE SURVEY DEPARTMENT.

(QUESTION OF PRIVILEGE.)

WEDNESDAY, 1 SEPTEMBER, 1858.

Present:—

MR. ALDCORN,	|	MR. MORIARTY,
MR. FORSTER,	|	MR. PIDDINGTON,
MR. WHITE.		

G. B. WHITE, ESQ., IN THE CHAIR.

Colonel George Barney again called in, and still further examined:—

[The Clerk of Committees read Mr. Gorton's letter appended hereto.]

1. *By the Chairman:* Will you be kind enough to state to the Committee when you became aware of Mr. Gorton having applied to me, as Chairman of the Committee upon the Survey Department, to be examined? I do not exactly remember what day it was, but I saw you a few days after, and asked you the question—whether Mr. Gorton had applied to you personally, and I informed you that he had acted without my knowledge. I did not give credit to it when I first heard of it—I did not think it possible that an officer under my orders would adopt such a course without my sanction.
2. He had not at the time received your sanction? He had not.
3. Do you conceive it to be necessary that any officer belonging to your service, if required to give information to a Committee sitting to inquire into matters with reference to your department, should first apply to you? It would be etiquette to do so, but I have never thrown any difficulty in the way, and should never think of doing so; but in this instance I was not aware whether he would be brought before the Committee or not. He never asked me in any shape—I should have given him permission, as a matter of course, had he asked me. I do not exactly remember the date, but I apprehend it must have been before it was publicly known that he was to be brought before the Committee. He never applied either to me or to the Secretary for Lands and Works.
4. After having received your permission to attend the Committee would it have been necessary that he should have applied to the Secretary for Lands and Works? He ought to have applied to me, as a matter of course, as head of the department; but had he applied to the Secretary for Lands and Works I still should have asked him the question—why did he not transmit the application through me, as head of the department, that being customary in all cases.
5. How long has he been in the department under your orders? I do not recollect. He was in the department when I joined it.
6. Has he generally been efficient in the branch of the service to which he has been attached? Not altogether efficient, or else I should have recommended him for a higher salary; but I have had to find fault with his work on several occasions. I could bring an instance forward: There were two gentlemen placed under him to conduct a certain duty, and there was an important circular placed in his hands to be issued. I presumed the circular had been issued and was awaiting replies to it; finding they were longer than I considered they ought to be, I sent to ask on what day the circulars were despatched, when, to my surprise, I found they

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they had not been despatched at all—they were placed in Mr. Gorton's hands, and he says he handed them to the gentleman working with him; and when I asked whether the circulars were forwarded, he found them under this gentleman's papers. It was his business to see that they were sent away.

7. Did the questions which have been read originate with you? Yes.

8. Not with Mr. Halloran? Not with Mr. Halloran. I do not know how such a surmise could have originated; it was my own memorandum. I thought the conduct of Mr. Gorton was very improper; in fact, there is a disposition with more than one gentleman in the office to oppose Mr. Halloran, and to originate privately vexatious complaints against him; they think to annoy him.

9. You must be aware that Mr. Halloran has been supposed to have a great deal too much power in the office for a long time? I am aware of it. During Sir Thomas Mitchell's time he was accused of writing improper letters to surveyors; in fact, it was said that letters of censure generally originated with Mr. Halloran. Now I have looked over a great many of Sir Thomas Mitchell's memoranda, and have found that statement to be not correct.

10. But some extraordinary letters were written when Sir Thomas Mitchell was not in the Colony? Those, I presume, must have been written by Captain Perry or by Mr. Thompson. A question of that kind came before me connected with Mr. Galloway's case. Mr. Galloway accused Mr. Halloran of originating a paper that had been despatched from the office. He found great fault with it, and wrote a very improper letter on the subject, which he was afterwards compelled to withdraw. It was not done at the instance of Mr. Halloran, and Mr. Galloway admitted that by the withdrawal of his letter.

11. You are aware that the general complaint has been that while this has been called the Survey Department, the surveying officers have been kept at about the same salaries, while the salaries of officers in every other branch of the department have been increased in an extraordinary ratio—for instance, draftsmen were limited by the Secretary of State's Despatch to £200 a-year? It is impossible we could get competent draftsmen at £200 a-year.

12. What does your first draftsman now receive? The salaries vary from £200 to £650. Mr. McLean receives £650.

13. While the salaries of the surveyors have not been increasing, the salaries in every other branch have been increased doubly? I am not quite certain whether I proposed an increase to the Survey Department; but, of course, all these increases have been approved by the Secretary for Lands and Public Works.

14. You are aware that the general complaint of the surveyors in your service has been that there has been an undue interference with them by the clerical branch? There has been one or two complaints, I believe; but I do not know that I have had any other than that of Mr. Galloway before me.

15. Are you not aware that I wrote once to the Colonial Secretary, and once to the Surveyor General, upon that subject, about ten years back? No, I am not. When I joined the department I submitted an estimate to the Government for carrying on the work of the department, which was not approved of, as being excessive, and I think very possibly I provided in that estimate for larger salaries for the surveyors, but I am not quite sure of that; at all events the estimate was not approved.

16. In an inquiry of this description extending over so many years back it is necessary that the Committee should obtain every information possible, and persons desiring to give such information should not be interfered with by heads of departments? Not at all, and I am willing to give every possible information from the records of the office, but I cannot be expected to be fully acquainted with matters which occurred so many years prior to my connexion with the department.

17. While the Committee are endeavouring to obtain this information, is it not your opinion that no person should be interfered with so long as he gives correct information? Certainly not.

18. These notes to Mr. Gorton and Mr. Darke originated with yourself? With myself. If I have committed a breach of privilege I am sure I had not the slightest idea of doing so at the time. I wanted to establish my complaint of insubordination on the part of Mr. Gorton, but any desire to interfere with the Committee never crossed my mind—I had not the slightest intention of such a thing.

19. You are aware that a similar complaint has been made with regard to interference with a witness who was examined before the Committee on the late Railway Accident? I have had too much work on hand to admit of my reading all these reports, but these questions now under consideration, if I remember rightly, were put before I had any knowledge of the time Mr. Gorton was to come before the Committee.

20. You are not aware whether these questions were put before or after he came to the Committee? I apprehend it was before he came; however, I do not know when he came before the Committee.

21. The date when he was examined was the 5th August? I did not know that he had been before the Committee at the time I wrote the questions. I had not the slightest idea of attempting to injure him with the Committee, it was merely to support my report of his insubordination, and it certainly was an act of insubordination his asking to be brought before the Committee without my knowledge.

22. May I ask you if Mr. Darke asked permission to come before the Committee? No.

23. Did he not submit a petition to you before it was sent to the House? No. He asked me if I had any objection to his bringing some matter before the Parliament, and I said, "You may send as many petitions as you please."

24. Did he submit the petition to you? No; it was casually he asked the question, while I was in conversation with him. I fully anticipated he would then have sent his petition through the usual course. It might have been presented by Mr. Secretary Robertson if it had been sent in the usual way.

25. *By Mr. Piddington*: I think you say you had made a complaint of insubordination against Mr. Gorton? Yes.

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26. Upon what grounds had you made that complaint? I will tell the particulars of the case: Last year a precisely similar instance occurred to that which has taken place this year. When certain of the estimates were under arrangement, Mr. Gorton considered that he was entitled to a higher salary than that he received; I was not of that opinion, and the consequence was, that he addressed a very improper letter to the Secretary for Lands and Works, which he was eventually compelled to withdraw. Mr. Secretary Hay's reply to this gentleman was to the effect that Mr. Gorton must withdraw his letter, which was of an insubordinate character, and that if he brought the matter forward again it would be his (Mr. Hay's) duty to recommend his dismissal. This year he did precisely the same thing, and had to withdraw his letter in the same way. This being the second time Mr. Gorton had shewn an insubordinate spirit, I acted upon Mr. Secretary Hay's letter, but, instead of his dismissal, I recommended that he should be allowed to obtain service elsewhere.

27. *By the Chairman*: Will you furnish the Committee with a copy of the letter sent to Mr. Hay? I will. (*Vide Appendix A, No. 1.*)

28. *By Mr. Piddington*: Then your complaint of insubordination was not made in reference to the circumstance of Mr. Gorton's examination before this Committee at all? Not at all.

29. It was not at all connected with it? I think that my report of his insubordination had been submitted previous to the examination of Mr. Gorton. I certainly was not aware that he had been examined. I asked the questions alluded to with the view of supporting my statement of his insubordination.

30. Then, in fact, his conduct here was taken into consideration with reference to the charge of insubordination? Yes, it was, so far as previously stated.

31. But his conduct here as a witness was taken into consideration by you in support of that charge? Not his conduct as a witness; it was an act of insubordination to apply privately to the Chairman of a Committee to be brought forward for examination without my knowledge.

32. Then that, in addition to his former conduct, was viewed by you as an act of insubordination? That was an additional act of insubordination.

33. I think you have stated you would have permitted Mr. Gorton to have given evidence if he made an application to you? Yes, decidedly.

34. His non-application was viewed by you as a breach of etiquette—I think you used that term—rather than anything more serious? As an act of insubordination.

35. I think you stated that it was a breach of etiquette? It was a breach of etiquette certainly.

36. Then which portion of Mr. Gorton's conduct weighed most with you in reference to your recommendation of dismissal? It was in connection with his previous conduct, as already stated by me.

37. If Mr. Gorton had not been examined before this Committee would you have viewed his application as a sufficient reason for recommending his exchange? Decidedly; I had done so previous to learning that he had been examined.

38. *By Mr. Moriarty*: May I ask you whether Mr. Gorton's case was pending at the date of the memorandum to him? I did not know when he came before the Committee.

39. I ask you whether this correspondence was pending or was decided upon by the Government? It has not been decided upon yet, that I am aware of; it will await the report of the Committee, I presume.

40. Then you had, previously to writing this memorandum, recommended the exchange of Mr. Gorton? Yes; and it was merely in support of that recommendation that I adverted to those questions in my report to the Secretary for Lands and Public Works.

41. Do you remember what was the interval between Mr. Hay's intimation that a renewal of this application would lead to Mr. Gorton's dismissal and the second application? Nearly twelve months; it was at the time of the preparation of the Estimates.

42. When the matter was renewed this year by Mr. Gorton you carried out Mr. Hay's intention? Yes. The course pursued by Mr. Gorton kept the office in a state of disorder, and hindered the public work. When my letters were sent into the office to be copied, whatever the questions were, were discussed by the clerks; they canvassed these matters instead of attending to their duties. If Mr. Gorton had asked my permission to have gone to Mr. White, or had wished to make an official application through me to be examined by the Committee, as a matter of course I should have acceded to his request. I had done so a few days previous to Mr. Darke, who asked me verbally whether I had any objection to his submitting his case to the Parliament. I said, "No; you may submit as many cases as you like."

43. *By Mr. Piddington*: I suppose you view it as necessary to due subordination in every department that in a case where a subordinate is required to be examined before a Committee of this House that he should previously obtain the consent of the head of his department? No; I have considered this a positive authority, and have never interfered in such a case; but as a point of etiquette I consider it to be due to the head of the department.

44. *By the Chairman*: Do you not think it an extraordinary power to give to the Chief Clerk, the selection of gentlemen for promotion? Upon whom can one depend if not upon a Chief Clerk who has been from twenty to thirty years in a department?

45. Still, does it not open a door for favoritism; if an officer standing in a certain position is not fit to fill the office next above him, is he fit to be in the office he holds? In this instance the person next to Mr. Halloran (Mr. Armitage) is a very competent person, and his opinion, in addition to that of Mr. Halloran's, is taken in matters relative to promotion—he is very conscientious.

46. *By Mr. Piddington*: What is the system of promotion adopted in the Survey Office? It is distinctly understood, and was more particularly laid down by Mr. Hay, when he was Secretary

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Secretary for Lands and Public Works, that promotion was not to depend upon seniority, unless that seniority were accompanied by competency and attention to duty. A memorandum to that effect was issued, and placed over the mantle-piece in the Chief Clerk's room; it was read at the time, and was fully understood by all.

47. *By the Chairman*: That may apply to officers upon joining the establishment now, but it can scarcely apply to those who entered twenty years ago? I am alluding to my own time.

48. *By Mr. Piddington*: I presume the claims of seniority would be considered in connection with competency? Yes, that is distinctly stated.

49. In reference to competency as constituting a ground of promotion, what is the test of competency, and by whom is the party subjected to the test? The accuracy with which the work is performed, and the period within which it is performed, are the two great points.

50. Who is the judge of these? I am the judge of them; but of course I am in a great measure guided by the two senior officers of that branch of the department. I am alluding entirely to the clerical branch of the department.

51. Do you invariably take the opinion of the two officers next to yourself in cases of promotion? Yes, invariably; but then I make personal inquiries myself. In the case of Mr. Gorton, I examined the books, and I brought forward the charge to which I have alluded, of neglecting to send these important circulars, and leaving it entirely to the gentleman immediately under him.

52. What obstacle is there to prevent you alone from being judge of competency in the case of clerks in your own office? I may be judge of the competency of clerks, but there may be other points in connection with their attention to their office duties, and their conduct in the office, upon which I may require information.

53. Do they not come under your notice in both these particulars? They do; but it is hardly to be expected that I can be acquainted with all the clerks in the office, and unless I were I must give way in some measure to the opinion of those who have the immediate control of them.

54. How many clerks are there in your office? Three or four and twenty.

55. Are you not able, from your position as head of the department, to become fully acquainted with the conduct of these gentlemen in the office? Yes, I am generally; but still I do not think I should be justified in acting entirely upon my own opinion. I look to these gentlemen, the first and second clerks, for reports upon the conduct of the clerks, and upon their efficiency, and I hold them responsible.

56. You hold the first and second clerks responsible for the efficiency of the department? Yes, as far as regards the clerical branch.

57. Who is the third clerk? I do not know.

58. Why do you limit the responsibility to the first and second clerks? The first clerk has the general control altogether. The second clerk has the control of the room which he has in charge.

59. Has not the third clerk control over some other room? No.

60. There is no particular gradation after that? No.

61. *By the Chairman*: Have you a minute or note-book in which you put down any dereliction of duty? No, I have not; I have not had much fault to find with the performance of their duties by the clerks.

62. Officers may frequently be blamed without even knowing they are blamed—complaints may be made to you without their even knowing it? It may be so. It is Mr. Halloran's duty to check any of the clerks whom he may find neglecting their duty.

63. If it is found necessary to make a complaint of an officer to you, is he warned of it, or does any investigation take place—has he any opportunity of defending himself? I do not remember any case of an officer having applied for an investigation.

64. Officers in the service have applied for investigations? I do not remember any during my time. If an investigation were applied for, as far as I am concerned, I would not refuse it. I think it my duty to give officers under me every opportunity of explaining anything that may be brought against them.

65. *By Mr. Piddington*: Do you think you could perform the duty of your office with a fewer number of clerks than you have? No; I am decidedly of opinion that we want more.

66. What are the hours of attendance? From nine to four.

67. Have you any means of testing the attendance at the hours you have mentioned? Yes. I am always in the office at the hour fixed. I used to keep a record, but I found it open to abuse and objection, and I did away with it, with the understanding that if I found any gentleman absent at the usual time for commencing work, he would have to make up the deficiency by remaining till a later period than the ordinary office hours.

68. Would it not be very easy to keep a time-book? It is very simple to keep a time-book, but it is not so easy to ascertain its correctness.

69. Supposing you had a page opened for every day in the week, and that at a quarter past nine you, with your own hand, or some one appointed by you, drew a line across the page and made it imperative upon every gentleman coming after that time to sign his name below that line—would not that be an efficient method? I have no complaint to make of their attendance.

70. How do you ascertain it? The clerks must pass my room.

71. Then you rely upon your own observation? Yes, generally.

72. Is not that a doubtful reliance? If there is any particular case of delay in the attendance it is communicated to me by the Chief Draftsman or the Chief Clerk.

73. Then, in fact, the Chief Clerk as well as yourself is engaged in observing the arrival of these gentlemen? Yes.

74. Would not a book, such as I have described, have been a more simple arrangement? I found it a great nuisance to the gentlemen.

75. What was the difficulty as well as nuisance to the clerks? I do not know that there was any difficulty, certainly; I should not have used the term.
76. The chief difficulty was the nuisance? Yes. It appeared to me to be a childish kind of thing.
77. *By Mr. Forster:* Was it felt to be a duty by the persons who really attended well? Yes; they considered it a nuisance that there should be so little confidence placed in them as to render it necessary they should write their names in a book when they came in.
78. You have spoken of an insubordinate letter written by Mr. Gorton? Yes.
79. Was that letter written last year? Yes, and repeated this year.
80. In what respect did you consider it insubordinate? It was insubordinate in character.
81. Was the language disrespectful? Yes, it was.
82. Can you mention any of the terms you consider particularly disrespectful? I do not exactly remember.
83. You do not mean that the making the complaint was an act of insubordination? Yes, the making a complaint if submitted improperly; if the application was submitted direct to the Secretary for Lands and Public Works, instead of through the head of the department.
84. On what ground—according to what rule, or what law—do you come to the conclusion that all clerks are bound not to make complaints but through the heads of their departments? What is the meaning of the word head, if that is not the case? A soldier would not make a complaint to his commanding officer, but through the captain of his company.
85. You infer an analogy between military and civil service, and think the discipline observed in the one should be also in the other? Yes.
86. But clerks in your office are not subject to military law? It is a rule of office.
87. It is what you call etiquette perhaps? Yes.
88. How are clerks to understand this etiquette if they have not been long in the public service—there is no written law of etiquette, is there? No, I do not suppose there is.
89. Is it not a natural thing if a man has a complaint to make, for him to make it to that source whence he thinks he may obtain relief? I believe it to be well understood that complaints should be made through the head of the department.
90. But supposing a complaint were made through the head of a department which head chose to suppress the complaint—? Then he would be perfectly justified in adopting what course he pleased—supplying the head of the department with a copy of any letter he may have addressed to a higher authority.
91. In that case would he not be guilty of insubordination if he were to complain otherwise than through the head of his department? I do not know that he would; but I do not think any head of a department would suppress a complaint.
92. I do not say that any heads of departments now in office would do so, but such a case is possible; we have had heads of departments who have been guilty of acts of a worse character, and we might have some heads of departments who would suppress complaints? If a clerk addressed me on any subject, and I suppressed it, it would be his duty to reiterate his complaint, and to request that it might be submitted to the Secretary for Lands and Works.
93. In fact, make another complaint to the same authority, the same head, who might suppress that also? It would then be open to the junior to take any course he might think proper; it would not then be considered an act of insubordination.
94. Supposing a man to labor under a grievance, and the first and second applications to the head of his department to be suppressed, three months might elapse before he could seek redress by any other means? I do not think such a case can possibly occur.
95. Are you not aware that complaints—I am not saying whether correct or not—have been made against the Survey Department for years past, and they do not seem to have been attended to? I am not aware of any complaint from any officer of the department having been unattended to while I have been in office.
96. I am not implying that? Of course I cannot say what has been done by other parties.
97. With regard to the letter sent by Mr. Gorton to Mr. Hay, you say that letter was insubordinate? There were terms in the letter that were improper.
98. Then it was the terms you found fault with—they constituted the insubordination? That was one part of the insubordination, the other was the submitting the complaint in an irregular way.
99. Have you a copy of that letter here? No; but the letter appended to Mr. Gorton's evidence, dated 17th July, 1858, is very nearly the same.
100. Will you be kind enough to point out in this letter the terms which you considered to constitute the act of insubordination? (*The witness read a portion of the letter as follows.*)
 "In mentioning the circumstance I beg to be permitted to state that it is not my intention to cast the slightest imputation on my superior in office, but merely to shew that promotions would seem apparently to rest solely with the Chief Clerk, and that, therefore, it is evident that his protégés or favorites are sure to pass over the heads of seniors, who, from their not being entrusted to perform the duties considered to be of any importance, are prevented from shewing their capability to conduct them."—That is a case of insubordination, no doubt, as he attempts to cast an imputation upon me.
101. Upon the Chief Clerk, I should say? No; he says "his protégés or favorites are sure to pass over the heads of seniors," which implies that I give way entirely to the opinion expressed by the Chief Clerk—that I do not consider the matter myself.
102. Is not this actually the complaint he makes—this portion of the letter which you consider insubordinate—that certain promotions have been made without reference to merit? Yes.
103. Then, after all, that language merely states the complaint—there is no disrespectful language? But there is a disrespectful complaint, a statement that promotion was confined to Mr. Halloran's protégés.
104. If you prevented him making this statement would you not prevent his complaining

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at all? There is no objection to his making the complaint at all, but it was an act of insubordination for him to make it without first submitting it to me.

105. That is another point; you consider the submission of this letter without your knowledge another act of insubordination? Yes.

106. You have said, in the course of your evidence, that Mr. Hay stated he would recommend his dismissal if he brought forward this matter again? Yes.

107. Then if he were thus debarred, how was he to bring forward his complaint at all? I suppose Mr. Hay meant, without submitting it through the proper channel.

108. If I understood you rightly, Mr. Hay, in his letter, stated, that if Mr. Gorton brought the matter forward at all he was to be dismissed? I forget the precise wording of the letter, but I can supply a copy of it. (*Vide Appendix A, Nos. 2 & 3.*)

109. In consequence of these instructions of Mr. Hay, you took the step you have taken with regard to Mr. Gorton? Yes, in connexion with Mr. Gorton's subsequent insubordinate proceedings.

110. What you consider to be a lenient step—instead of recommending his dismissal you recommended his removal? To some other employment.

111. Not as a surveyor at all? He is not a surveyor, but a clerk.

112. Are you aware whether he is competent? He may be competent for another class of duty.

113. Would this removal be considered a punishment? It would be considered a punishment in some measure, for the removal of a man under such circumstances cannot be gratifying to his feelings.

114. Supposing there were no other office for which he were competent, what would be done then? He might be permitted to seek employment elsewhere.

115. Might it not be possible, if this recommendation were to be carried out, that instead of punishing him you might punish the public? If he were not fit for the department to which he was sent they would adopt their own course with him. He is fit for a certain position; he might do for the position he is in, but certainly with more attention, and not entitled to an increase of pay.

116. In fact you think he is fully remunerated for what he does? Quite.

117. If he is in a place for which he is fit, will the public service benefit by his removal to another office? I think my office would be benefited by his removal.

118. You think you could get a better man for the same money? Yes. It is evident that he agitates the office, to the neglect of duty not only of himself but of others. He is occupied in writing all these papers instead of attending to his duty.

119. Do you think he causes other people to neglect their duty? I am satisfied that the papers I send out to be copied are canvassed in the office, by which the time of the clerks is occupied.

120. You mean that they occupy their time in the examination of the papers instead of in copying them? In canvassing the questions to which these papers allude; for instance, this very question of increase of pay was evidently canvassed in the office even while the papers were before them; I received numerous letters on the subject.

121. Do you not think the subject of increase of pay is likely to be canvassed at all times, in all offices, without reference to any documents that may be sent to them—is it not a very natural topic of conversation? Yes, no doubt.

122. Do you find that, in consequence of Mr. Gorton being in the particular position he occupies in the office documents are longer in being copied? I do not know; but after copying they are canvassed by the gentlemen, and Mr. Gorton must lose a great deal of time in writing his own letters originating in these documents.

123. You do not mean to imply that the subjects of the documents copied by the clerks are never to be discussed—I suppose they must have some time for relaxation? They have no time in office hours to discuss such matters.

124. Can you say that these letters are written in office hours? I cannot positively say that they are, but I have very little doubt of it.

125. You distinctly deny that the step you have taken with regard to Mr. Gorton was in consequence of anything done by him with respect to this Committee? Most positively. If I have committed any error in the matter it has been quite unintentional. I had not the slightest, the most remote idea of interfering with the Committee in any shape or way. If Mr. Gorton had asked me for permission to bring the matter before the Parliament or Committee, I should have granted it at once. My complaint is altogether confined to Mr. Gorton's personal application to the Chairman of the Committee without my knowledge—not at all in reference to further proceedings before the Committee.

126. You considered that you were merely carrying out the former recommendation of Mr. Secretary Hay? Yes, in connection with Mr. Gorton's subsequent conduct.

127. Is this a common practice when clerks are found fault with, or are not exactly competent for a particular office, to remove them to another? Yes, I believe so.

128. It is considered a kind of secondary punishment? Yes, perhaps so.

129. I suppose in all these cases there is a diminution of pay? Very possibly there may be.

130. The clerks would hardly consider it a punishment if they got increased or equal pay? Sometimes they are very glad to change to where the duties are easier.

131. In all these cases I suppose the authorities are careful to insist upon either diminished pay or increased work, otherwise the man is not punished at all? I do not know what is the course.

132. Are you aware what are the employments generally selected as punishments? I do not know that they are selected as punishments at all.

133. You imply that when gentlemen are removed from their offices they have been either incompetent or insubordinate—are you aware of any gentlemen having been made Crown Land Commissioners as a punishment? No.

134. *By Mr. Aldcorn*: You state that it is a rule, or a general practice, in your office, that all subordinate officers making a complaint shall send in the complaint to the head of the office? Yes.

Colonel
G. Barney.

135. Suppose a complaint to be against the head of the office himself, do you not think it a dangerous power to put into his hands? I do not think so, for if the officer at the head of the department will not attend to any complaint made, it is sure to become public, and would be attended, in all probability, and very properly, with the removal of the head of the department. I should never contemplate keeping back a complaint, even though it were against me personally.

1 Sept. 1858.

136. I am speaking generally, whether it is a power that should be entrusted to the head of a department? I know it is a rule in the service, and I think a proper one.

137. *By the Chairman*: In the army a man can demand a Court Martial; that is not the case in the Civil Service—he is often condemned unheard? If an officer, or any one in the department wrote to me to make a complaint as to any one in the department, or as to myself, and had cause to suspect that the complaint was suppressed, he might then request to have the complaint sent on to the Secretary for Lands and Public Works, and it must then go on as a matter of course; it could not be withheld.

138. *By Mr. Aldcorn*: Are you not aware that when a Committee of the Legislature, the highest authority in the State, are sitting, their object is to obtain every information with reference to the subject to inquire into which they have been appointed, and may take evidence from any man who offers himself, or who is known to be acquainted with the matter; and that any such person may attend without the permission of either the head of his department or of the Secretary for Lands and Public Works? If an officer is warned by a Parliamentary Committee to attend, of course he must attend, but as a matter of etiquette he should state to the head of his department that he had been warned.

139. Suppose the case of a subordinate officer who had long attempted to get from the head of his department redress for a grievance, and suppose also that he knew a Committee to be sitting to receive information on all matters connected with the department, do you think he would be justified in coming forward with his complaint, even without communicating his intention to his superior officer? I do not think a man should privately obtain an introduction to the Chairman, and solicit to be called before the Committee—I do not think that is a proper course to pursue, for he must know well that if he brings the question forward properly before the head of his department it must, as a matter of course, come before the Committee.

140. Supposing the case had been once, twice, or thrice before the head of the department, and the grievance were unredressed, it may be for years? I cannot fancy such a case; however, should such a case arise, the proper course would be to address the Government, supplying the head of the department with a copy of the letter.

141. *By the Chairman*: As the head of the department, are your recommendations for promotion generally sufficient? I think, generally, they may be considered sufficient.

142. After you have made such recommendations have you ever found yourself thwarted in the service? By what?

143. By any other influence—have you ever been thwarted in your attempt to obtain the promotion of an officer? I do not remember a case.

144. Have you never heard that there was a great deal of favoritism at one time? Yes, years ago.

145. *By Mr. Moriarty*: How did the subject of Mr. Gorton's examination come under your cognizance? I heard it casually; I cannot bring to my recollection who told me. It was that which led me to put the questions alluded to.

146. You assumed that the examination had reference to his own case? No doubt.

147. I understood you to say that you would not have refused this gentleman permission to attend the Committee? No. I would have considered it my duty to have assented if he had applied to me.

148. Did this gentleman intimate to you in any shape that he was about to come to the Committee? In no shape.

149. He did not apprise you that he had been summoned? No.

150. Then your principal complaint against him is for having absented himself without leave? No. I did not take that into consideration.

151. That would have been sufficient in itself to have directed your attention to him? Yes. The main fault was the bringing his case forward without my sanction or knowledge.

152. You said just now there were some parties in the office willing to prefer complaints against the Chief Clerk on any subject? Occasionally I hear rumours; they do not make complaints direct to me. I hear rumours of complaints against him, but I must confess I cannot trace any just cause of complaint against him. He is a most excellent officer, and is so fully conversant with the affairs of the office that if any one commits a blunder he is acquainted with it at once.

153. *By the Chairman*: The complaint against him is for interfering with matters he does not understand? You refer to the Survey Branch. I do not think he interferes with those matters.

154. He has not the same opportunity as formerly. When the officers were supplied with their equipments by the Government complaints were made of his interference by every officer in the service. Mr. Halloran would say, "You must not have that—you cannot have this." It was like a War-Office clerk dictating to a general what he should or should not have? All requisitions as they come in are laid before me, and I strike out anything that I think is wrong.

155. An officer to know what is necessary in order to carry on a certain duty should be acquainted with that duty? Yes; but there is a certain amount of stores and other things allowed, and if anything beyond that is required a reason is asked for the necessity of the demand—explanation is called for.

Colonel
G. Barney.
1 Sept., 1853.

156. *By Mr. Moriarty*: This dissatisfaction which you say is existing, do I understand you, is confined to a few? A few. Understanding there were complaints against Mr. Halloran by the officers of the Survey Department, I instructed Mr. Halloran, on my assuming charge, that no letter of any description should leave the office without my signature; of course, therefore, the responsibility rests with me and not with Mr. Halloran. I carefully peruse every paper previous to attaching my signature.

157. I suppose, then, that neither the Chief Clerk nor any one else presumes to send a letter from the office without your signature? Certainly not. I have given positive orders to the contrary. I believe it now occupies me nearly two hours a-day in perusing and signing the various documents submitted to me.

* * * * *

APPENDIX A.

No. 1.

The Surveyor General to the Under Secretary for Lands and Public Works, forwarding letters from Mr. Gorton, Clerk in his Office, and advising his removal from his Department.

57-4169.
No. 57-206.

*Surveyor General's Office,
Sydney, 24 April, 1857.*

Submitted, 25th.

SIR,

Mr. Gorton had no right to demand to know the grounds upon which the Surveyor General's judgment was formed with respect to his qualifications; and the Surveyor General having intimated that he considered the terms on which he had sought to learn those grounds objectionable, Mr. Gorton should have embraced the opportunity afforded him of withdrawing the letter—*He must now do so*, otherwise it will be considered that he does not wish to continue in the service.

Mr. Gorton must further understand, that, in my opinion, the Surveyor General did no more than his duty in recommending for promotion those gentlemen who were in his opinion, from experience and peculiar aptitude, best fitted to fill the higher offices in the department satisfactorily.

Mr. Gorton had no right to promotion, except in so far as he might be decided to be the best man for the office under the circumstances. As to that I should depend upon the recommendation of the Surveyor General, whom I hold responsible for the efficiency of the department, and this course I followed in sanctioning the distribution of offices proposed by that officer. If Mr. Gorton considers himself aggrieved he might appeal to me as he did, and that appeal ought to have been considered final. The valuable time of the heads of departments must not be taken up by a continued discussion of such points. My answer must be held to be conclusive, and my decision must be practically acquiesced in. Any further attempt to open the matter up on Mr. Gorton's part will be taken as indicating an insubordinate spirit, and will compel me to advise his dismissal.

J. H.
25 April.

I have the honor to submit, for the consideration of Mr. Secretary Hay, certain letters addressed to me by Mr. Gorton, a clerk in my office, and to request attention to that of the 22nd instant, which, appearing to me to be of an improper character, I gave Mr. Gorton the option of withdrawing it, which, however, he declines—see his letter of the 23rd instant.

2. It now becomes my duty to state, that I have not that high opinion of Mr. Gorton's ability or conduct which would induce me to place him over the heads of gentlemen in the office, who are conducting their duties in a most satisfactory manner, nor has the correspondence herewith raised Mr. Gorton in my estimation, on the contrary, I consider that he is setting a very bad example, and that his removal from the department is necessary.

I have, &c.,

GEO. BARNEY.

The Under Secretary
for Lands and Public Works.

S. G.

(2)

*Department of Land and Public Works,
Sydney, 29 April, 1857.*

Sir,

Referring to the correspondence between yourself and Mr. Gorton, a clerk in your department, relative to the promotions which have taken place in your office, which was enclosed in your letter of the 24th instant, No. 57-206, I am directed by the Secretary for Lands and Public Works to inform you that Mr. Gorton had no right to demand to know the grounds upon which your judgment was formed with regard to his qualifications, and that upon your having intimated that you considered the terms in which he had sought to learn those grounds objectionable, Mr. Gorton should have embraced the opportunity afforded him of withdrawing the letter. He must now do so, otherwise it will be considered that he does not wish to continue in the service.

2. I am at the same time to state, that Mr. Gorton must further understand, that, in the opinion of Mr. Secretary Hay, you did no more than your duty in recommending for promotion those gentlemen who were, in your opinion, from experience and peculiar aptitude, best fitted to fill the higher offices in your department satisfactorily. Mr. Gorton had no right to promotion, except in so far as he might be decided to be the best man for the office under the circumstances. As to that, Mr. Hay would depend upon your recommendation, you being held responsible for the efficiency of the department, and this course Mr. Hay followed in sanctioning the distribution of offices proposed by you.

Colonel
G. Barney.
1 Sept., 1858.

3. I have further to state, that if Mr. Gorton considered himself aggrieved he might appeal to the Secretary for Lands and Public Works, as he has done, and that appeal ought to have been considered final. The valuable time of the heads of the department must not be taken up by a continual discussion of such points.

4. In conclusion, I have to inform you that this reply must be held to be conclusive, and the decision herein conveyed must be practically acquiesced in; any further attempt to open the matter up on Mr. Gorton's part will be taken as indicating an insubordinate spirit, and will compel Mr. Secretary Hay to advise his dismissal.

I have, &c.,

M. FITZPATRICK.

The Surveyor General.

(3)

58-6968.

Surveyor General's Office,
Sydney, 26 July, 1858.

Sir,

I have the honor to request that you will be pleased to forward the enclosed letter to the Under Secretary for Lands and Public Works, at your earliest convenience.

I have, &c.,

C. F. GORTON.

The Surveyor General.

Mr. H.—Afford Mr. Gorton the opportunity of withdrawing this correspondence, and let me know the result to-morrow morning.

G. B.,
July 26.

Under date 26 July, Mr. Gorton declined to withdraw the correspondence.

G. B.

Mr. Gorton should put forward his claims, such as they are, more temperately. It will be necessary that he withdraw the correspondence, as suggested by the Surveyor General, 26 July. Holding, as I do, the Surveyor General responsible for the proper and efficient working of his department, I am not disposed to interfere with any decision of his, unless in an extreme case.

J. R.
31 July.

Surveyor General, B. C., 31 July, 1858.

M. F.

* * * * *

WEDNESDAY, 8 SEPTEMBER, 1858.

Present:—

MR. ALDCORN,

MR. MORIARTY,

MR. WHITE.

G. B. WHITE, ESQ., IN THE CHAIR.

Henry Halloran, Esq., again called in and still further examined:—

[The Clerk read the letters addressed by Mr. C. F. Gorton to the Chairman.]

1. *By the Chairman:* You have heard the letter of Mr. Gorton read; and the allegation he makes appears to be, that he has been questioned both by yourself and by Colonel Barney, in consequence of having given evidence before this Committee? I think not; I think there was not any question from myself.
2. No; the memorandum is signed by Colonel Barney, but Mr. Gorton distinctly states here—? His belief or impression?
3. You deny having done so? The question is not yet put to me.
4. May I ask you if your advice or memorandum was addressed to Mr. Gorton? If it were not considered to be wanting in respect to the Committee, I would say that the question would be more fitly put to the Surveyor General.
5. The question has been asked of him? Then I would say for myself that not only did I not advise, but that I was not consulted; and that, had I been consulted, a sense of delicacy would have kept me from expressing an opinion upon a matter in which I was personally concerned. I was merely the medium of these communications, the one passing to Mr. Gorton and back, and the other to Mr. Darke and back.
6. *By Mr. Aldcorn:* They passed through you in the usual course? Yes; they were sent to me to send across.

H. Halloran,
Esq.
8 Sept., 1858.

- H. Halloran, Esq.
 8 Sept., 1858.
7. *By the Chairman*: According to official routine? Nothing further.
8. It would be rather a breach of the privileges of the House if any one interfered with an officer in any department for submitting himself to an examination by a Committee? I do not think it was intended to interfere with the proceedings of the Committee. The offence consisted in his not intimating, in the first instance, his desire to wait upon Mr. White to Colonel Barney. He was wanting in respect to his superior officer; not that it was strictly necessary that he should have done so, but as an act of courtesy or official propriety.
9. Did he not intimate to Colonel Barney that he was to be examined? I think not. He sent me a memorandum of one of the meetings of the Committee, and asked me whether he should go, and my reply was that the call of the Committee was imperative; there was no avoiding that. I think he has a memorandum in my handwriting to that effect.
10. *By Mr. Moriarty*: Do you remember whether that was previously or subsequently to his examination before the Committee? Previously, I think, but I cannot say. If it were a notice to attend the Committee, and if that were the first notice, it must have been previously.
11. Then in point of fact he did submit the matter to his superior officer? In that way. It is not that, however, which I refer to as objectionable in his conduct, but to his having appealed to Mr. White in the first instance, without mentioning his intention to the head of the department? Mr. Darke, I believe, did so, and asked if he had any objection.
12. It was not this gentleman's appearance here in pursuance of the summons to which objection was taken, but to his having taken some previous steps to be examined? Yes: I think that was considered objectionable. When he had received a notice from Mr. Calvert, and put the question to me whether he should attend, I said "Certainly, the order is imperative."
13. Did you make the Surveyor General aware of his having mentioned the matter to you? It is very likely I did.
14. From the tenor of the Surveyor General's remarks in his examination I gather that it was the neglect of Mr. Gorton to acquaint his superior to which he attached the most importance? I think not; but to the preliminary appeal. He may not have remembered, for, as you yourself may have observed, his memory is not a very faithful one.
15. Can you inform the Committee in what position the matter stands at present—whether Mr. Gorton has been suspended? No; he is still in the same position.
16. He has not been suspended? I have not heard a word of that.
17. Has not the Surveyor General recommended that he should be dismissed, or removed to another office? That he should exchange into another department, or find other employment.
18. *By the Chairman*: Is that in consequence of what occurred before this Committee? I can produce a draft of the letter. I did not write it; and I have not, therefore, a distinct recollection of every word.
19. *By Mr. Aldcorn*: Is it your impression that the recommendation was made in consequence of what took place here? *Certainly not*; but because he is dissatisfied, and he will remain dissatisfied until he is placed in a better position; and I am of opinion that his position is as good as his capacity entitles him to expect. His correspondence shews that he does not even spell correctly.
20. Have you any idea what he has been? I believe that originally he was a midshipman, that he afterwards studied for the Church, and afterwards kept a small school.
21. He has stated to me that he was a lieutenant in the navy? I think he was a midshipman, and that afterwards he acted as a teacher to some of Sir Thomas Mitchell's children. Sir Thomas Mitchell brought him into the office.
22. *By the Chairman*: The Minister for Lands and Public Works has been informed of the circumstances connected with this case? He has, every document.
23. And the letters which have been written since his examination here? He has copies of the memoranda.
24. And of the letters that were sent from Mr. Hay twelve months' ago? Yes; these were sent back also. On a former occasion—when all the salaries were reduced, and mine was reduced to a much larger extent than his—he felt dissatisfied, and appealed, and appealed, and appealed, until it was necessary to check him.
25. You are not aware of the Minister for Lands and Public Works having come to any decision in the matter? No; I have not received any information, nor made any inquiry on the subject.

* * * * *

ADDENDUM.

After my examination, an impression arose in my mind that Colonel Barney had spoken to me on the subject of his memorandum before he sent it to me, and an apprehension that my memory had deceived me, and that I had not stated matters as exactly as I could desire. I could not bear such an idea, and I therefore put the question direct to the Surveyor General, whether he had in any way consulted me or sought my opinion; his answer was "Certainly not, I may have mentioned the memorandum after I had written it, but I had fully determined beforehand." Mr. Gorton has therefore made a grievous misrepresentation, the *third* as regards myself, and with evidently a mischievous intention.

1858.

Legislative Assembly.
NEW SOUTH WALES.

COLONIAL JURISPRUDENCE.

(JUDGMENT ON APPEAL OF FENTON & FRASER *v.* HAMPTON, FROM SUPREME COURT OF TASMANIA.)

Ordered by the Legislative Assembly to be Printed, 4 June, 1858.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

Downing-street,
11 March, 1858.

SIR,

As the annexed Judgment of their Lordships of the Judicial Committee of the Privy Council on the appeal of Fenton & Fraser *v.* Hampton, from the Supreme Court of Tasmania, relates to a point of general importance in Colonial Jurisprudence, whether immediately affecting the Colony under your Government or not, I transmit copy of it for your information.

I have, &c.,

STANLEY.

GOVERNOR

SIR WILLIAM DENISON, K.C.B.,
&c., &c., &c.

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Fenton and Fraser v. Hampton, from the Supreme Court of Tasmania; delivered February, 17, 1858.

Present:—

LORD JUSTICE KNIGHT BRUCE.
CHANCELLOR OF THE DUCHY OF CORNWALL.
LORD CHIEF BARON OF THE EXCHEQUER.
LORD JUSTICE TURNER.

This is an appeal from a judgment of the Supreme Court of Van Diemens' Land, given in favour of the respondent (the plaintiff below), who had brought an action against the appellants, Michael Fenton (the Speaker) and James Fraser (the Serjeant-at-Arms), of the Legislative Council of Van Diemen's Land.

The Colony is a part of Her Majesty's dominions, by occupation, and not by conquest.

The authority of the Legislative Council is derived from the British Parliament, under the 13th & 14th Vict. cap. 59. The Council consists of thirty-three Members, one-third of whom are nominated by the Crown, the other two-thirds are elected by the inhabitants.

The Council, no doubt, possess a Legislative authority; they may make Laws or Ordinances, which (on receiving the sanction required by law) become binding within the Colony. In this sense they possess supreme legislative power.

The action brought by the respondent in the Supreme Court arose out of the following circumstances:—

During a session of the Legislative Council in the year 1855, the Council appointed (in accordance with their rules and orders) a committee of their own body, to inquire into certain alleged abuses in the Convict Department, and the Council resolved that the Committee should have leave to send for persons in order to prosecute the inquiry. The respondent, John Stephen Hampton, was deemed a material and necessary witness in the prosecution

prosecution of the inquiries. Thomas George Gregson, (who had been duly elected Chairman of the Select Committee), issued a summons to the respondent to appear personally before the Select Committee at a certain time and place to be examined as a witness on the subject of the inquiry. The summons was duly served. The respondent (it must be assumed for the present purpose) wilfully, and without reasonable excuse, refused and neglected to appear, and in consequence the Select Committee was obstructed (so far as this was an obstruction) in the inquiries, and the Council was prevented from obtaining their Report; thereupon the Legislative Council, being informed of these circumstances, resolved that the respondent be desired to attend at their bar, at the Council's House at Hobart Town, on a day and hour named.

The respondent was duly served with a summons to attend, but would not obey it, and wilfully and contemptuously, and without reasonable excuse, disregarded the summons and order, and refused to attend. The Council then resolved that the respondent was guilty of contempt in disobeying the resolution of the Council and the summons of the Speaker; and they further resolved, that the Speaker should issue his warrant for the apprehension of the respondent, to be held in the custody of the Serjeant-at-Arms during the pleasure of the Council.

In compliance with that resolution, the Speaker did issue his warrant, and the Serjeant-at-Arms executed it, and took the respondent into custody; and this is the trespass complained of in the Court below.

The defence to the action was founded on the circumstances above stated, which were respectively pleaded by the Speaker and the Serjeant-at-Arms, in due form, each of them professing to justify his interference by the authority of the Council to make the resolutions and to enforce them, by issuing the Speaker's warrant, and apprehending the respondent.

The plaintiff below demurred generally to these pleas, and the Supreme Court (probably acting on the authority of the case of *Kielly v. Carson*, decided in this Court in 1842: 4 Moore, p. 63), gave judgment for the plaintiff, holding that the facts set forth in the pleas of justification did not constitute a defence at law.

The question was argued before the Committee at considerable length, and many points were raised and discussed, upon which we think it unnecessary to form any opinion in order to decide the present question. The principal point is, undoubtedly, of great importance, involving, as it does, on the one hand, the constitutional rights and authority of the legislative bodies in various parts of Her Majesty's Colonial territories; and, on the other, the right to personal liberty (unless deprived of it by law) which Her Majesty's subjects take with them, as part of their birthright, to every portion of Her dominions. The subject is not new to this Court: it has been discussed before, on more than one occasion. In the case of *Beaumont v. Barrett*, from Jamaica, (1st Moore, p. 59, A. D. 1836), it was decided that an Assembly possessed of supreme legislative authority had the power of punishing contempts; that the power was inherent in such an Assembly, and incident to its legislative functions; and, according to the judgment in that case, every Colonial Assembly or Council possessed the same authority to punish for contempts which the House of Commons has exercised in this kingdom for a long series of years.

But, in the year 1842, the same question (in substance) came before this Committee on an appeal from Newfoundland, and was twice argued; the second time before the Lord Chancellor, two noble members of the Committee who had formerly held the great seal, the three chiefs of the Common Law Courts in Westminster Hall, two out of the four members of the Court who were present at the decision of the case of *Beaumont against Barrett*—the Vice-Chancellor and Dr. Lushington; and, on that occasion (page 84, of 4th Moore), "Their Lordships were of opinion that the House of Assembly did not possess the power of arrest, with a view to adjudication, on a complaint of contempt committed out of its doors." They held that the power of the House of Commons in England was part of the "*lex et consuetudo Parliamenti*;" and the existence of that power in the Commons of Great Britain did not warrant the ascribing it to every Supreme Legislative Council or Assembly in the colonies. We think we are bound by the decision of the case of *Kielly v. Carson*, the greater authority of which, as compared with *Beaumont v. Barrett*, it is quite unnecessary to enlarge upon. An attempt was made to distinguish the present case from those cited; the authority of the Legislative bodies in those cases being derived from the Crown; whereas, the Legislative Council of Van Diemen's Land derives its legislative authority from a statute of the Imperial Parliament. We think there is no foundation for this distinction; and that if the Legislative Council of Van Diemen's Land cannot claim the power they have exercised on the occasion before us, as inherently belonging to the supreme legislative authority which they undoubtedly possess, they cannot claim it under the statute as part of the common law of England (including the "*lex et consuetudo Parliamenti*"), transferred to the Colony by the 9th Geo. IV, cap. 83, sec. 24. The "*lex et consuetudo Parliamenti*" apply exclusively to the Lords and Commons of this country, and do not apply to the Supreme Legislature of a Colony by the introduction of the common law there.

It was argued, however, that as the Legislative Council had the power to make the inquiry out of which these proceedings arose, as inherently belonging to their supreme legislative authority, the Supreme Court had no authority to examine into the validity of the warrant; but we are of opinion that it sufficiently appeared by the pleas that this was an arrest with a view to punish for an act alleged to be a contempt, but committed away from the House, of the Assembly. Their Lordships, therefore, are of opinion that it was not justified by the pleas, and that the judgment below ought to be affirmed, with costs, and we shall advise Her Majesty accordingly.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(HIS WORSHIP THE MAYOR, ON BEHALF OF PUBLIC MEETING IN SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 30 April, 1858.

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

The humble Petition of the Citizens of Sydney, in Public Meeting assembled,—

RESPECTFULLY SHEWETH :—

That on the twenty-sixth day of April, one thousand eight hundred and fifty-eight, a Public Meeting of the Citizens of Sydney was held in the Prince of Wales Theatre, at which the following Resolutions were adopted, viz. :—

“ That this meeting having had under its consideration the Electoral Bill introduced into the Legislative Assembly by the Honorable Mr. Cowper, is of opinion that it is based upon sound principles, and that, with some alterations in detail, it deserves the zealous support of the people of New South Wales.”

“ That this meeting is of opinion that no further postponement of the Electoral Bill ought to take place, the subject having formed the test of a Candidate's fitness in the various Constituencies throughout the Colony at the last General Election.”

“ That the foregoing Resolutions be embodied in a Petition to both Houses of Parliament, and signed by the Chairmam on behalf of this meeting.”

Your Petitioners therefore pray your Honorable House to take the premises into your favorable consideration.

JOHN WILLIAMS,
Chairman of the Meeting.

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1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.
(SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 30 April, 1858.

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

The Petition of the undersigned Electors of the City of Sydney,—

RESPECTFULLY SHEWETH:—

That your Petitioners regard with much alarm the provisions of a Bill, now under the consideration of your Honorable House, intituled, "*A Bill to amend the Electoral Law.*"

That among other objectionable alterations contemplated by that measure, is the disfranchisement of a large body of Citizens now by law entitled to vote in the election of Members for the City.

That, by reference to the Electoral Roll for the year one thousand eight hundred and fifty-seven and eight, your Petitioners gather that upwards of six hundred and sixty persons now holding the franchise in respect of the occupation of stores, wharfs, offices, and other places of business, and upwards of two thousand and eighty persons now qualified by receipt of salaries will be deprived if the said Bill should become law.

That the first of such classes comprises a large proportion of the commercial and professional men by whose daily avocations in the City the business of the Colony is mainly transacted.

That such persons pay high rents in, and are heavily rated for, the City, and are large employers of labor therein.

That the second of such classes comprises a large amount of the intelligence of the City.

That the Electors comprised in both classes, extending to upwards of 2,700 persons, are, by reason of their acquaintance with the business and affairs of the Colony, and with the Government thereof, and from their intelligence and capacity, equally qualified to judge of the merits of candidates for the suffrages of the Citizens with any other classes who now hold, or are intended by the Bill to hold, the franchise of the City.

That the classes of Electors about to be disfranchised are, by reason of their stake and interest in the business of the Colony, at least equally interested in the good order and government thereof with any other classes resident within the same, and are not more liable to improper bias, corruption, or sudden tumultuous impressions than any other class of Citizens entitled, or to be entitled, under the Bill to the franchise.

That your Petitioners, who comprise many persons of the classes about to be deprived, have always conducted themselves at all Elections which they have attended in an orderly and loyal manner, as is becoming to good Citizens, and have never been guilty of any riot bribery, corruption, or other improper conduct, in respect whereof they should be deprived of their franchise.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to retain in any measure which may be passed for the alteration of the franchise, the qualifications of occupation of place of business and receipt of salary, as existing under the present law.

And your Petitioners will ever pray, &c.

[Here follow 794 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(CERTAIN INHABITANTS OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 7 May, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Inhabitants of Sydney and neighbourhood,—

SHEWETH :—

That your Petitioners believe that the system of Government commonly called Responsible Government involves this principle—that all classes of the community are entitled to share, in proportion to their importance in the commonwealth, in the Representation of the People in your Honorable House.

That your Petitioners fully recognize the right of the majority of the people to govern the country, and that they equally recognize, on the part of the minority, the right of counsel and remonstrance.

That your Petitioners believe that the right of Petition is an inadequate means of ensuring to the minority their due weight in the councils of the country; and that advice or remonstrance, to be effective in their hands, must be allowed to be expressed *visâ voce* in your Honorable House, and instantly, on every necessary occasion; and, further, that the counsel and remonstrance of the minority can only be expressed with its rightful weight in the proceedings of your Honorable House by the votes of Members truly representing the wishes and interests of the minority.

That your Petitioners believe, from these premises, that in the framing of a new law for the regulation of the representation, it will be necessary, to the end that your Honorable House may be a perfect reflex of the wants and interests of the entire community, that all large classes of the people, although they may not happen to be of the majority in each Electoral District, shall have power given them to return Representatives in proportion to their numbers.

That your Petitioners have observed, with alarm, that in the Bill introduced into your Honorable House for the purpose of regulating the future Electoral Law of this Colony, not only has no provision been made for this generally acknowledged want in the representative institutions of modern times, but that, on the contrary, in several thickly populated districts, where the greatest facility for combination on the part of a majority is to be found, a plurality of Members is proposed to be returned, thereby ensuring to such majority what your Petitioners believe to be an undue share in the representation, and one which such majority could not command, even under the mode of Election which has hitherto been used, if the Electoral Districts were made smaller, and returned only one Member each.

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That your Petitioners, beside, are at a loss to understand what there is peculiar in the position of an Elector in one of those Electorates for which a plurality of Members is proposed—an Elector of Sydney, for instance—that would entitle him to a voice in the return of more than one representative of his interests, while an Elector in a country district is, at the same time, restricted to a choice of only one Representative; and your Petitioners further believe, that to give men the power, by unjust combinations among the partizans of two or more candidates, to utterly exclude a large minority of the very populous Electoral Districts which have a plurality of Members awarded to them in the Bill now before your Honorable House, is entirely subversive of the true principles of Responsible or Representative Government, whose very essence consists in imbuing the legislators with the fullest knowledge and the most complete appreciation of the various needs of all sections of the community.

Your Petitioners therefore pray, that in the proposed new law regulating the return of Representatives of the People to your Honorable House, it may be provided that, in all Electoral Districts from which two or more Members shall have to be returned, one of the two following propositions may be made to operate—

First,—That every Elector shall vote for only one candidate; or,

Secondly,—That if your Honorable House determine to give to every Elector as many votes as there shall be Members to be returned from his district, it shall then be competent to each Elector to give the whole number of his votes to one candidate, or to distribute his votes among the candidates in such manner as he may think best.

And your Petitioners will ever pray.

[Here follow 1,436 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(CITIZENS OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 11 June, 1858.

To the Honorable the Members of the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Citizens of the City of Sydney, in Public Meeting assembled,—

HUMBLY SHEWETH:—

That your Petitioners have watched with deep interest the progress of a Bill through the House of Assembly, entitled, "An Act to amend the Electoral Law," proposing to increase the number of Members of that House, and so re-distribute the representation as to proportion it as nearly as practicable to the population of the several Districts.

That your Petitioners beg respectfully to draw the attention of your Honorable House to the fact of the said Bill having been received with general satisfaction by the country, as tending to remove the existing impediments to practical legislation, in reference to the important question of the alienation and speedy settlement of the Waste Lands of the Crown, and placing the wishes of the country and the action of the Legislature in accord.

That your Petitioners believed, from the favorable manner the Bill was received throughout the country, that it would have obtained the sanction of your Honorable House, with the least possible delay; but your Petitioners have observed with regret the consideration of the Bill postponed from time to time, and postponed on grounds tending not merely to the delay of the Bill, but probably to its final rejection.

That your Petitioners show that the Electoral Reform Bill now before your Honorable House is, as far as it undertakes to legislate, satisfactory to the Colony, and the first substantial promise of a system of Government by which the rights and interests of all classes of the community will be fairly recognised; and that any alteration in the main principles of the Bill would lead to new controversies, new exasperations, and indefinite delays, while the rejection of it would hopelessly postpone all great measures of practical legislation, and would be viewed as a great calamity to the country.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to pass the said Bill with as great expedition as to your Honorable House may be convenient.

And your Petitioners will ever pray, &c.

[Here follow 537 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(MR. E. MENCROE.)

Ordered by the Legislative Assembly to be Printed, 30 April, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of Edward M'Encroe, 49, George-street, Sydney,—

SHewETH :—

That your Petitioner has, on many occasions, witnessed the unjust effects caused by coalitions and combinations at the Elections of Members for the Legislative Council of New South Wales in Sydney and other Districts of the Colony, where more than one Representative was elected.

That your Petitioner has observed with alarm that in the Bill introduced into your Honorable House for the purpose of regulating the future Electoral Law of this Colony, no provision is made for the prevention of combinations or coalitions at Elections in the Districts which are to elect more than one Representative.

Your Petitioner therefore prays, that in the proposed new Law regulating the return of Representatives of the people to your Honorable House, it may be provided that no Electoral District shall return more than one Representative, or that every Elector shall vote for only one Candidate, at any Election in any one Electoral District.

And your Petitioner will ever pray.

EDWD. M'ENCROE.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(PETITION FROM THE GLEBE.)

Ordered by the Legislative Assembly to be Printed, 19 May, 1858.

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

The humble Petition of the undersigned, as Chairman, on behalf of a Public Meeting of the Inhabitants of the Glebe, held on Thursday, May 13, 1858, at the University Hotel, Parramatta Road,—

SHEWETH :—

That your humble Petitioner fully approves of the *main principles* of the Bill to amend the Electoral Act, at present under the consideration of your Honorable House, namely, manhood suffrage, distribution of Members according to population, secret voting, and the ancient constitutional practice of the representation of majorities.

That while your Petitioner acquiesces to the number of representatives allotted by this new Electoral Act to the Metropolis, he submits that the population and wealth of the City and the Hamlets justly lay claim to more. He, therefore, would contemplate with alarm any abridgement of that number.

Your Petitioner trusts that your Honorable House will pass this measure, without any alteration of its main principles, with all practicable speed.

And your Petitioner will ever pray.

JAMES PEMELL.

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1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(J. N. BEIT, AS CHAIRMAN OF PUBLIC MEETING AT BALMAIN.)

Ordered by the Legislative Assembly to be Printed, 4 June, 1858.

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

The humble Petition of the undersigned, John Nicholas Beit, as Chairman acting on behalf of a Public Meeting of the Inhabitants of Balmain, held at Mr. Aiton's, Unity Hall, Balmain, on Wednesday evening, 2nd June, 1858,—

HUMBLY SHEWETH:—

That your Petitioner fully approves of the principles of the Bill to amend the Electoral Act of A. D. 1851, (at present under the consideration of your Honorable House,) viz.:—the principles of *Manhood Suffrage, Representation based upon Population, Secret Voting*, and the ancient constitutional practice of the *Representation of Majorities*.

That your Petitioner submits to your Honorable House that the apportionment of Members according to this Bill is but an approximation to what the population and wealth of Sydney and its Hamlets justly may lay claim to; your Petitioner would, therefore, view with alarm any abridgment of that number.

Your Petitioner also prays that this measure do pass your Honorable House without any alteration of its main principle, and with all practicable speed.

And your Petitioner will ever pray.

JOHN N. BEIT,
Chairman.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(JOHN FYFE, AS CHAIRMAN OF PUBLIC MEETING AT PYRMONT.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1858.

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

The humble Petition of the undersigned, John Fyfe, as Chairman of a Public Meeting held at the "Land's End Hotel," Pyrmont, on Monday evening, May 31, 1858,—

SHEWETH :—

That your humble Petitioner fully approves of the main principles of the Bill to amend the Electoral Act of A. D. 1851, at present under the consideration of your Honorable House.

Your Petitioner submits to your Honorable House that the apportionment of Members in the said Electoral Bill is only an approximation of that which the wealth and population of the Metropolis and its surrounding districts justly could claim as a fair and equitable share of representation.

Your Petitioner prays that this measure may pass your Honorable House without any alteration of its main principles, and with all practicable speed.

And your Petitioner will ever pray.

JNO. FYFE.

1911

RECORD OF THE BOARD OF SUPERVISORS

FOR THE YEAR 1911

RESOLUTION NO. 1. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 2. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 3. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 4. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 5. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 6. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 7. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 8. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 9. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.

RESOLUTION NO. 10. That the Board of Supervisors do hereby certify that the following is a true and correct copy of the minutes of the Board of Supervisors for the year 1911.



1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(J. THOMAS, AS CHAIRMAN OF PUBLIC MEETING AT NEWTOWN.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1858.

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

The humble Petition of the undersigned, John Thomas, Chairman of a Public Meeting held at Newtown, at the Masonic Hall, on Friday Evening, May 28, 1858,—

HUMBLY SHEWETH :—

That your humble Petitioner fully approves of the principle of the Bill to amend the Electoral Act at present under the consideration of your Honorable House.

Your Petitioner submits to your Honorable House, that the apportionment of Members in the said Electoral Bill is only an approximation to what is due to the wealth and population of the Metropolis and the surrounding Hamlets. He would view with alarm any abridgment of that number.

Your Petitioner prays that this measure may pass your Honorable House without any alteration of its main principles, and with all practicable speed.

And your Petitioner will ever pray.

JOHN THOMAS.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(J. B. SMITHERS, AS CHAIRMAN OF PUBLIC MEETING AT PADDINGTON.)

Ordered by the Legislative Assembly to be Printed, 17 June, 1858.

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

The humble Petition of the undersigned John Baker Smithers, Chairman of a
Public Meeting held at Mr. Fairburn's, Kircaidic Inn, Paddington,—

SHEWETH:—

That your humble Petitioner fully approves of the principles of the Bill to amend the Electoral Act of A. D. 1851, at present under the consideration of your Honorable House.

Your Petitioner submits respectfully to your Honorable House, that the apportionment of Members according to this Bill is only an approximation to what the wealth and population of the Metropolis and its Hamlets justly claim. Your Petitioner would view with alarm any abridgment of that number; your Petitioner being of opinion that the adoption of manhood suffrage, population as the foundation of representation, secret voting, and the ancient constitutional practice of representation of majorities, are principles founded upon equity and justice.

Your Petitioner prays that this measure may pass your Honorable House without alteration of any of its main principles, and with all practicable speed.

JOHN BAKER SMITHERS.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(HUNTER'S HILL.)

Ordered by the Legislative Assembly to be Printed, 30 April, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The respectful Petition of the undersigned Land-owners and Inhabitants of
Hunter's Hill, in the North Riding of the County of Cumberland,—

SHEWETH :—

That your Petitioners have taken into consideration the Bill introduced into
your Honorable House for the purpose of amending the Electoral Law.

That your Petitioners have also observed that by such Bill it is intended to divide
the County of Cumberland into six Electorate Districts.

That your Petitioners believe that if such contemplated division is carried out the
Districts would not be defined by any well known or natural boundaries.

That your Petitioners are also of opinion that the interests of one portion of the
proposed District are antagonistic and at variance with other parts of the same District.

That your Petitioners believe that the proposed divisions would give a great prepon-
derance in favor of the north-west and south-west portion of the County.

That your Petitioners also consider that it is requisite the towns in the County should
be altogether disconnected from the Country Districts.

Your Petitioners, therefore, pray that the County should be divided into four
Electorate Districts, each District to return two Members, making the Parramatta River and
the Main Roads through the County the boundaries of the several Districts, as shown upon
the plan annexed to this Petition.

And your Petitioners will ever pray, &c.

[Here follow 224 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(DISTRICT OF WINDSOR.)

Ordered by the Legislative Assembly to be Printed, 30 April, 1858.

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

The Petition of the undersigned Inhabitants of the District of Windsor, (exclusive of Richmond),—

HUMBLY SHEWETH:—

That your Petitioners have observed that a Bill is now before your Honorable House “to amend the Electoral Law” of New South Wales.

That whilst there is much in the said Bill which meets with your Petitioners’ approval, there are also some parts of it which your Petitioners consider highly objectionable.

Your Petitioners particularly object to so much of clause 8 of the said Bill as enacts *manhood* instead of *household* suffrage as the qualification of Electors. The adoption of such a principle will, in the opinion of your Petitioners, admit as voters a vast number of pauper, vagrant, and loose characters,—men who are an incubus and a burden upon the commonwealth, and having no real stake or permanent interest in the Country,—and will in its effects prove highly detrimental to the welfare and good Government of the Colony.

Your Petitioners also object to so much of clause 8, aforesaid, as admits of Chinamen, on becoming naturalized, being Electors.

Your Petitioners would also suggest that M’Donald River, on account of its remoteness, ought not to be attached to the Electorate of the Hawkesbury.

Your Petitioners, therefore, humbly pray your Honorable House that the said Bill may be amended in the respects aforesaid, or otherwise, as in the wisdom of your Honorable House shall seem meet.

And your Petitioners will ever pray.

[Here follow 406 Signatures.]

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(RICHMOND AND ITS VICINITY.)

Ordered by the Legislative Assembly to be Printed, 4 June, 1858.

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

The humble Petition of the undersigned Inhabitants of the Town of Richmond and its vicinity,—

SHewETH :—

That your Petitioners approve, on the whole, of the Electoral Bill now before your Honorable House, particularly of those portions providing for an extension of the Suffrage and Vote by Ballot.

Also, that any objection your Petitioners may have to the details of the measure, would be fully met by giving an additional number of ten or twelve Members to be apportioned amongst the country districts.

Your Petitioners therefore humbly pray that your Honorable House will proceed to take into consideration the Electoral Bill without unnecessary delay, with a view to effect the reforms so urgently required.

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

[*Here follow 88 Signatures.*]

1858.

 Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(RICHMOND.)

Ordered by the Legislative Assembly to be Printed, 14 May, 1858.

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

The humble Petition of the undersigned Residents of Richmond and its vicinity,—

RESPECTFULLY SHEWETH:—

That your Petitioners have observed that a Bill is now before your Honorable House to amend the Electoral Law of New South Wales.

That your Petitioners, considering that the elective franchise as at present existing is sufficiently low for all safe and liberal purposes and requires no extension, would strongly object to section eight of the said Bill, in so far as it introduces simple manhood suffrage as the qualification of electors. The adoption of such a principle will, in the opinion of your Petitioners, admit as electors a vast number of paupers, vagrant, semi-lunatic, and loose characters,—men having no real stake or permanent interest in the country, and who are a burden upon the people generally, and will in its results prove highly detrimental to the welfare and good government of the country.

Your Petitioners would also submit that the Chinese and other Asiatic races ought not, though naturalized, to be admitted to the franchise.

Your Petitioners, therefore, humbly pray your Honorable House to take the premises into your earnest consideration, and to amend the said Bill in the respects aforesaid, or otherwise as to your Honorable House shall seem meet.

And your Petitioners will ever pray, &c.

Richmond, 10 May, 1858.

[Here follow 100 Signatures.]

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1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(PARRAMATTA.)

Ordered by the Legislative Assembly to be Printed, 2 July, 1858.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Inhabitants of the Electoral District
of Parramatta,—

RESPECTFULLY SHEWETH :—

That as there is now before your Honorable House a Bill to reform the Electoral Law of New South Wales, your Petitioners beg to draw your attention to a few facts in relation to the Electoral District of Parramatta, in order that the interests of the electors of that district may be more fairly and satisfactorily represented.

That this Electoral District is divided into nearly two equal parts by a natural boundary, namely, the Parramatta River, separating the north part thereof from the south, as well as being the boundary of two large parishes, namely, St. John's and Marsfield; and that the numbers of the inhabitants on each side is nearly equal.

That the interests of the inhabitants of these separate portions of this district in some material degree differ, the one being commercial, the other agricultural.

That your Petitioners, from these as well as other circumstances, believe it would be more to the advantage of the inhabitants generally of this district, and tend more to advance their separate interests, if each portion of the district, as before described, had the privilege of electing their own representative.

Your Petitioners therefore humbly pray, that your Honorable House will be pleased to take the above circumstances into consideration, and make such alterations in the proposed Electoral Reform Bill as your Honorable House may deem best for the attainment of the object of your Petitioners.

And your Petitioners will ever pray.

[Here follow 345 Signatures.]

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THE GOLD WARRIOR

THE GOLD WARRIOR

THE GOLD WARRIOR

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(INHABITANTS OF THE ELECTORAL DISTRICT OF WEST CAMDEN.)

Ordered by the Legislative Assembly to be Printed, 2 June, 1858.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Inhabitants of part of the Electoral District of West Camden,—

SHEWETH :—

That your Petitioners having had under consideration the Electoral Bill now before your Honorable House, beg leave to express their extreme apprehension of the consequences likely to result if certain portions of it be carried into law.

That your Petitioners more especially object to the clause altering the franchise as at present existing, no change, in their opinion, being desirable, except to prevent individuals on the Electoral Rolls, under the household qualification, from being disqualified to vote at Elections simply by removal from the dwellings which conferred upon them the franchise into other dwellings within the same Electoral District which have already been adjudged to be of value sufficient.

That your Petitioners have further the strongest objection to the preponderating influence which the Bill proposes to give to the Metropolitan Districts, the effect of which, in their opinion, would be most disastrous to the general welfare of the community at large.

And your Petitioners pray that your Honorable House will take the premises into consideration in legislating upon this most important subject.

And your Petitioners will ever pray, &c.

[Here follow 315 Signatures.]

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(INHABITANTS OF WEST CAMDEN, RESIDENT AT PICTON AND THE OAKS.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1858.

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

The humble Petition of the undersigned Inhabitants of the Electoral District of West Camden, resident at Picton and the Oaks,—

SH EWETH :—

That your Petitioners having had under consideration the Electoral Bill now before your Honorable House, beg leave to express their extreme apprehension of the consequences likely to result if certain portions of it be carried into law.

That your Petitioners more especially object to the Clause altering the franchise as at present existing, no change, in their opinion, being desirable, except to prevent individuals on the Electoral Rolls under the household qualification from being disqualified to vote at Elections simply by removal from the dwellings which conferred upon them the franchise into other dwellings within the same Electoral District which have already been adjudged to be of value sufficient.

That your Petitioners have further the strongest objections to the preponderating influence which the Bill proposes to give to the Metropolitan Districts, the effect of which would, in their opinion, be most disastrous to the general welfare of the community at large.

Your Petitioners, therefore, pray that your Honorable House will take the premises into consideration in legislating upon this most important subject.

And your Petitioners will ever pray.

[Here follow 198 Signatures.]

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1858.

Legislative Assembly.

NEW SOUTH WALES.

BERRIMA.

(PRAYING THE ERECTION OF INTO A SEPARATE ELECTORAL DISTRICT.)

Ordered by the Legislative Assembly to be Printed, 14 April, 1858.

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

The humble Petition of the undersigned Inhabitants, Freeholders, and Household-ers of the District of Berrima,—

HUMBLY SHEWETH :—

That the Inhabitants of this District are at present joined, for Electoral purposes, to the Districts of Picton and Camden; and jointly with those Districts, under the designation of "West Camden," return two Members to serve in the Lower House of Parliament.

That the interests of the District of Berrima are not identical, either geographically or socially, with those of the adjoining Districts,—this District being separated from the inhabited portions of Picton by an uncultivated tract of land extending upwards of twenty miles.

That the District of Berrima is also divided in a similar manner from the neighbouring Districts of Illawarra and Argyle, east and south.

That your Petitioners, being unable to compete in point of numbers with the Electors residing in Picton and Camden, are virtually unrepresented in your Honorable House, and humbly pray that, in any division of the present Electoral Act, they may be allowed to return one Member, as for the District of Berrima, forming the South-west Riding of the County of Camden.

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

[Here follow 362 Signatures]

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.
(MANNING RIVER, COUNTY OF MACQUARIE.)

Ordered by the Legislative Assembly to be Printed, 12 May, 1858.

Unto the Honorable the Legislative Assembly of New South Wales, now sitting in Parliament.

The Petition of the undersigned Residents on the Manning River, in the County of Macquarie,—

HUMBLY SHEWETH :—

That your Petitioners have carefully and diligently perused the draft of the proposed New Electoral Bill for New South Wales, at present in Committee, and they perceive that it is intended to connect the three several Police Districts of the Manning River, Port Macquarie, and the M'Leay River, in one Electoral District, under the name of the Hastings District, with a *stated* population of three thousand six-hundred (3,600.)

That, from a hurried census just taken, your Petitioners find that on the Manning River alone there is a population of about (3,000) three thousand souls, and they are of opinion that the interests of the Manning River are quite distinct from those of Port Macquarie and the M'Leay River, the nearest point of the latter being distant from the Manning upwards of one hundred miles.

That the Manning River is a large agricultural district, and is daily increasing in importance and population, the latter arriving in considerable numbers by every steamer and sailing vessel that enters the river.

Your Petitioners therefore pray that your Honorable House will be pleased to grant to your Petitioners that there shall be a separate Member for the Police District of the Manning River, as now constituted.

And your Petitioners shall ever pray, &c.

[Here follow 531 Signatures.]

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1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(ELECTORS OF THE DISTRICT OF MACQUARIE.)

Ordered by the Legislative Assembly to be Printed, 12 May, 1858.

To the Honorable the Legislative Assembly of New South Wales.

May it please your Honorable House—the Petition of the undersigned Electors of the
District of Macquarie,—

RESPECTFULLY SHEWETH :—

That your Petitioners most respectfully submit, that they have endeavoured, by every available means, to ascertain the state of public feeling relative to the “Electoral Reform Bill,” now before your Honorable House, and also to form, according to the best of their judgment, a correct opinion of its merits; and your Petitioners firmly believe that it is scarcely possible to devise any measure more calculated to forward the best interest of the country.

Your Petitioners most earnestly pray, that your Honorable House may take such steps as in your wisdom you may deem meet for passing into law the said Bill.

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

[Here follow 36 Signatures.]

Port Macquarie,
20 April, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(WOLLONGONG.)

Ordered by the Legislative Assembly to be Printed, 30 April, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Inhabitants of the Town and District of Wollongong,—

HUMBLY SHEWETH :—

That your Petitioners have learned with much satisfaction that a Bill to amend the Electoral Law has been introduced into your Honorable House.

That your Petitioners have made themselves acquainted with the provisions of the said Bill.

And that your Petitioners are of opinion, that the passing of the said Bill, as it was introduced (with the exception of a few minor amendments in matters of detail,) would confer a lasting benefit on the community at large, inasmuch as it would conduce to the good order and good Government of the affairs of the Colony.

Therefore, your Petitioners would humbly pray your Honorable House to pass the said Bill with all convenient dispatch.

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

[Here follow 450 Signatures.]

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(OFFICERS OF THE ILLAWARRA LIBERAL POLITICAL ASSOCIATION.)

Ordered by the Legislative Assembly to be Printed, 2 June, 1858.

To the Legislative Assembly of New South Wales.

The Petition of the undersigned, the President and Secretary of the Illawarra Liberal Political Association,—

RESPECTFULLY SHEWETH:—

That it is proposed in the Electoral Bill before your Honorable House to allow but one Member to the Inhabitants of the Electorate of Illawarra, now the Police District of Wollongong.

Your Petitioners would, however, respectfully urge that the said Electorate is entitled to two Members, on the following grounds:—

1. That the said Electorate has been extended recently by the addition of a portion of the Districts of East Bargo and South Cumberland, adjoining the former Police District.
2. That, whilst the said extension is included in the description of the Electorate in the said Bill, the number of persons residing in the parts so added to the former Police District is not added to the stated population of the present Electorate, viz., 4,506.
3. That the number of persons so omitted to be added is computed at about 400 or 500 souls.
4. That, in addition to these reasons, your Petitioners would urge that the population of this Electorate has received an *extraordinary* increase by the number of persons attracted to it by the opening of two extensive coal mines since the taking of the last Census, numbering at least 150.
5. That the present population of this Electorate is, at the most moderate computation, 5,156.
6. That this number is sufficient, compared with the number of Members proposed for other similar districts, to entitle the Illawarra Electorate to two Members,—several districts with about one-half this number having been allowed one Member, and others with no more being allowed two.

Your Petitioners would also respectfully pray your Honorable House to take into consideration the propriety of altering the 6th clause of the said Electoral Bill, (known as "the expansion" clause), by omitting the word "by" and inserting in place thereof the word "to" in the third line of the said clause as at present printed. Your Petitioners would respectfully point out that the passing of the clause as it at present stands, would perpetuate all the present unavoidable disproportion of population to representation; and your Petitioners are also convinced that the object of the clause, of which they entirely and heartily approve, would be better accomplished by making the alteration prayed for.

Therefore, your Petitioners would respectfully pray your Honorable House to take the foregoing into your favorable consideration.

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

THOMAS HALE,

President.

THOS. GARRETT,

Hon. Secretary to the Illawarra
Liberal Political Association.

Wollongong, 28 May, 1858.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(CHAIRMAN AND VICE-CHAIRMAN OF NORTHUMBERLAND LIBERAL POLITICAL ASSOCIATION.)

Ordered by the Legislative Assembly to be Printed, 7 May, 1858.

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

The Petition of the Members of the Northumberland Liberal Political Association, in Public Meeting assembled, at their Rooms in West Maitland, on Tuesday, 27th April, 1858,—

RESPECTFULLY SHEWETH:—

1. That your Petitioners having carefully considered the various clauses of the Electoral Bill now under the consideration of your Honorable House, do most heartily approve of the general principles contained therein.

2. That in reference to the division of Electorates, whilst agreeing with the general principles of the Bill, your Petitioners, so far as their local interests are concerned, would suggest, that Morpeth and its neighbourhood, with the eastern part of the Police District of Maitland, should return one Representative; that East Maitland and its neighbourhood, with the middle portion of the Police District, should return one Member; that the Borough of West Maitland should return one Member; and that the Western Division of the Police District of Maitland should return one Representative.

3. That whilst your Petitioners are earnestly in favor of vote by Ballot, they object to the plan proposed in this Bill, and are of opinion, that unless some other system be adopted to preserve inviolate the true principle of the Ballot, it will fail to conserve the secrecy so much to be desired. The delay likely to be caused by the recording of votes under the mode proposed in this Bill, and the want of thorough secrecy—the true and essential characteristic of the Ballot—is faulty in the extreme, and requires alteration.

4. That, in the opinion of your Petitioners, it will be necessary to amend such portions of the proposed Electoral Bill now before the Legislature and the country as relate to the objections urged by your Petitioners; and, in order to ensure the confidence of the country, your Petitioners would most respectfully advise the reconsideration of these portions of the Bill, with a view to the remodelling of the same; and your Petitioners, as in duty bound, will ever pray.

Signed, in name of and on behalf of the Members of the Northumberland Liberal Political Association, in Public Meeting assembled.

JAMES EWAN,
*Pro Chairman.*PETER D. EWAN,
Secretary.

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1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(MORPETH, &c., &c.)

Ordered by the Legislative Assembly to be Printed, 14 May, 1858.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the undersigned Inhabitants of Morpeth, Hinton, Largs,
and the eastern portion of the Police District of Maitland,—

HUMBLY SHEWETH:—

That while your Petitioners agree with the general principles of the Electoral Bill now before your Honorable House, they, nevertheless, respectfully submit, that in some of the details of that measure amendment is necessary, and that by the division of the Electorates as proposed in the Bill, your Petitioners will be virtually disfranchised, inasmuch as their interests, as far as regards local matters, are vested in the river improvements, and are not identical with those of the inhabitants of that portion of the Police District lying west of the Great Northern Railway, and north of the two Maitlands.

That your Petitioners residing in the above-named localities apprehend (their interests being identical) that by being divided and coupled as proposed in the new Electoral Bill with two separate Electorates having no interests in common with their own, the voice of your Petitioners would scarcely be heard in your Honorable House.

Your Petitioners therefore pray, that your Honorable House will make such a division of the Police District of Maitland as will give your Petitioners that influence in the Councils of the Country to which, by their numbers and property, they conceive themselves entitled; and for the purpose of aiding your Honorable House in coming to a decision in this matter, your Petitioners beg to enclose herewith a Plan of the Police District of Maitland, in which, while the number of Members proposed to be apportioned to that district is not altered, the district itself is so divided as to combine within the respective Electorates interests which are identical.

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

[Here follow 692 Signatures.]

THE
 UNITED STATES OF AMERICA
 DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 WASHINGTON, D. C. 20250

NATIONAL SYSTEM OF PUBLIC LANDS
 LAND ACQUISITION STATEMENT OF WORK

This document is a statement of work for the National System of Public Lands Land Acquisition. It describes the scope of work, the objectives, and the deliverables for the project. The project is intended to provide a comprehensive and accurate record of all land acquisition activities for the National System of Public Lands.

The scope of work includes the following:

- Identify and locate all land acquisition activities for the National System of Public Lands.
- Collect and verify all data related to land acquisition activities.
- Develop and maintain a database of land acquisition activities.
- Generate reports and maps of land acquisition activities.
- Provide technical support and training to staff.

The objectives of the project are to:

- Improve the accuracy and completeness of the land acquisition data.
- Reduce the time and cost of land acquisition activities.
- Provide a single source of information for land acquisition activities.
- Improve the efficiency and effectiveness of land acquisition activities.

The deliverables of the project are:

- A database of land acquisition activities.
- Reports and maps of land acquisition activities.
- Technical support and training materials.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(PETITION FROM LARGS AND EASTERN PART OF DUNMORE.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1858.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the Inhabitants of Largs and the south-eastern part of Dunmore.

We, the undersigned Inhabitants of Largs and the south-eastern portion of Dunmore, having heard that a Petition has been presented to your Honorable House representing that it is the wish of your Petitioners to be joined with Morpeth as part of an Electoral District;—the party who brought the Petition stated that it was for the opening of a road to Morpeth, and not, as it appears to be, to get us to join in a division of the Police District of Maitland; and those of your Petitioners who have signed the Petition referred to have done so on false representations.

Your Petitioners, therefore, hope your Honorable House will pass the Electoral Bill in its integrity, as far as it regards our part of the District.

And your Petitioners will ever pray.

[Here follow 43 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(INHABITANTS OF THE DISTRICT OF RAYMOND TERRACE.)

Ordered by the Legislative Assembly to be Printed, 11 June, 1858.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Residents, Landed Proprietors, &c., of the District of Raymond Terrace,—

HUMBLY SHEWETH:—

That your Petitioners, impressed with the great importance of Electoral Reform, pray that the Bill now before your Honorable House may be passed into law, with as little delay as consistent with the convenience of the Legislative Assembly.

Your Petitioners agreeing cordially with the provisions of the said Bill generally, nevertheless pray that the Electorate Divisions may be extended—still maintaining the principle of representation in accordance with population as proposed in the said Bill—and conceive, as far as their own interests are concerned, that the Police Districts of Raymond Terrace, Dungog, and Stroud, may be united, returning two Members.

Your Petitioners further conceive that a more simple plan of voting by ballot may be introduced into the Bill, which they have embodied in a communication to their Member Captain Williamson.

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

[*Here follow 47 Signatures.*]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.
(INHABITANTS OF NORTHUMBERLAND BOROUGHES.)

Ordered by the Legislative Assembly to be Printed, 2 July, 1858.

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

The humble Petition of the undersigned Inhabitants of the Northumberland Boroughs,—

RESPECTFULLY SHEWETH :—

That your Petitioners at present have the privilege of sending two Members to your Honorable House ; but it is proposed by the Electoral Bill now before the House to make a division of these Boroughs, giving two Representatives to West Maitland and one to Maitland and Morpeth. Against this division your Petitioners would respectfully protest.

Your Petitioners submit, that minute divisions of the Boroughs will be productive of inconvenience, and will give rise to feelings of jealousy and opposition which may not otherwise have existence.

Your Petitioners therefore humbly pray that your Honorable House will allow these Boroughs to remain as one Electorate, returning three Members to your Honorable House.

And your Petitioners will ever pray, &c.

[*Here follow 121 Signatures.*]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(INHABITANTS OF THE DISTRICT OF MURRURUNDI.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1858.

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

The humble Petition of the undersigned inhabitants of the District of Murrurundi,—

SHewETH :—

That your Petitioners hailed the introduction of the Electoral Bill now under consideration in your House.

That regarding, as your Petitioners did, a new Electoral Bill as the great and recognized business of the present Parliament, to which the preceding Administration also addressed itself, and having viewed generally, with much favor, the measure introduced into your House, the second reading of which passed with so large a majority, and expecting, moreover, such a modification and perfection of the whole measure in Committee as in your wisdom might seem fit, little or no occasion appeared for praying your House to undertake a duty to which it had been of itself forward, and the manner of discharging it so satisfactory to the country.

But your House having delayed the progress of the passing of the measure, to elicit further the expression of public opinion, your Petitioners embrace the opportunity of recording their approval of the great principles of the measure generally, and praying that it may shortly become the law of the land.

Your Petitioners observe that the present Electoral Act Amendment Bill is similar in principles to the Parliamentary Reform Bill now being demanded in the Mother Country, a country where the greatest variety and degree of social rank and property condition exists, and not great only, but also of very ancient origin. If there the general safety, the wisdom, and the justice of acting on such political principles are acknowledged, how much greater reason and propriety is there for adopting them here, a country of yesterday, whose inhabitants may be regarded as of but one rank, and of a common property condition.

Your Petitioners agree in the demand for the representation of interests, as they are termed by the opponents of popular rights, but disagree and condemn their unfair exclusion of the labor interest, the great interest that maintains and moves the world; and though, in the phrase of political economy, the property and capital of hands, and heads, and hearts, may not be acknowledged as property, and an interest they cannot fairly be denied, to be the most valuable of all property, and the highest of all interests.

Your Petitioners therefore approve of manhood suffrage, under the reservations of age, naturalization, residence for such time as may give the necessary knowledge of the wants of the country, and a general identification with its interests;—approve of an equal population representation, on the basis of the adult male population; and of unrestricted choice of Representatives from the electors without distinction; and also approve of, for the protection of the feeble, vote by ballot.

But your Petitioners earnestly urge upon your consideration the great inexpediency of increasing the number of Representatives. Already much difficulty is found in obtaining "fit and proper persons," and the tone and character of the House would probably be lowered by any increase of Representatives. The necessity of turning our limited powers into the productive channels of industry ought to lead us to have great regard to economy in conducting our national affairs, and efficiency in legislation does not appear to depend altogether on the number employed, and withdrawn from private business. The House of Commons, of 654 members, represents 30,000,000, being 1 member to 45,871 of the population; at that rate, New South Wales, with its 300,000, would be represented by 7. On the equal distribution, and not on the number of Representatives, the soundness of the representative system is believed to depend.

Praying your Honorable House to take the prayer of your Petitioners into consideration.

And, as in duty bound, will every pray.

[Here follow 56 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(HANGING ROCK AND PEEL RIVER GOLD FIELDS.)

Ordered by the Legislative Assembly to be Printed, 13 May, 1858.

To the Honorable the Legislative Assembly for the Colony of New South Wales.
The humble Petition of the undersigned persons residing on the Hanging Rock and Peel
River Gold Fields, in the aforesaid Colony,—

SHEWETH :—

That public announcement having been made to that effect, your Petitioners understand and believe that it is the intention of your Honorable House to introduce, during the present Session of Parliament, a Bill to amend the Electoral System of the Colony, and to place on an enlarged and permanent footing the many interests connected therewith; your Petitioners, therefore, deem it urgently necessary at such a time to call the attention of Honorable Members to the following important facts, and request their earnest consideration for the claims they desire to advance.

Your Petitioners, in the first instance, would impress on your Honorable House that, in adopting the profession of gold miners, they have no desire to sever themselves from the ties and interests which bind together other sections of the community.

That, notwithstanding the wandering and unsettled appearance which the nature of their avocations may compel them to assume, they have as deep an interest in the general welfare as the dwellers in towns, and an equal capacity to perform the duty of citizens to the State.

That the pursuit of gold mining, requiring in its very nature industry, energy, and enterprise, your Petitioners believe that the miners will be found to compare favorably, as regards intelligence, with any industrial class in the community, yet when they look around them they find the following to be their condition.

The gold miner of New South Wales is governed by a Legislature in whose creation he has no voice, over whose acts he possesses no check, and to whose ear he has no access whatever, save the general one of Petition. It is true the Gold Fields are attached to constituencies returning Members to the House, but these are elected for the most part by the pastoral interest, and cannot be expected to have any practical knowledge of the requirements of gold miners, or much sympathy with their inhabitants. The natural consequence of this state of things is found in the fact that, while it is universally admitted to be contrary to the principles of the free constitution enjoyed by this Colony, and the rights of British subjects, for the people to be taxed except through their Representatives, the gold miners are the only class subjected, as producers, to direct taxation upon their industry, yet without any voice whatever in the imposition of the duty.

The diggers of New South Wales cannot help contrasting their condition with that of their brethren in the Sister Colony, Victoria, where the Gold Fields are represented by five

Members specially, the Miner's Right confers the franchise, and the mining interest is admitted to its due weight in all political and commercial questions. How much of the high tone and public spirit displayed on the mines of Victoria is owing to the fact that the vast proportion of orderly and respectable diggers feel themselves possessed of their proper standing as men and citizens it would be easy to show—how much of the backward condition exhibited by the miners of New South Wales—how much of the apathy to public questions—the want of heart for extensive operations by the diggers, and the absence, as compared with Victoria, of men of capital and intellect among them, may be traced to the fact of the miners being debarred from all political rights and privileges, and exposed thereby to hasty and injudicious legislation, your Petitioners would earnestly implore Honorable Members to reflect.

The mountains of New South Wales teem with mineral treasures, much of which will never be eliminated from their dark recesses unless the fostering care of a wise Government shall be extended to promote the devotion of capital and energy thereto. The diggers of the Colony form a body which, if allowed to feel themselves always neglected, and thrown in the back ground, without a voice in the making of the laws they obey, and without a legitimate channel to represent their grievances, may become hereafter, in designing hands, a powerful engine of mischief; but if trained to exercise the duties of citizenship, and enjoy its privileges—to feel their rights represented and respected—their interests promoted—they will assuredly become to the Colony a grand and enduring source of prosperity.

Your Petitioners would earnestly submit to your Honorable House, that this desirable object can only be secured by giving, in the first instance, direct representation to the Gold Fields, and permitting them to return Members authorized and competent to become the exponents of their wants.

Your Petitioners would, also, respectfully call attention to the fact, that though the Gold Fields of this Colony are scattered over a much wider area than in Victoria, yet it is possible to overcome this difficulty by classing them as Northern, Western, and Southern; apportioning to each division such share of representation as your Honorable House may think fit to assign.

At so momentous an era in the history of the country, when all classes and interests are clamouring to be represented under the proposed Electoral Law, your Petitioners would earnestly request Honorable Members to consider if any more important interest can advance a claim than that which depends upon the Gold Fields. The miners of New South Wales do not seek, like those of Victoria, by armed demonstrations, by physical force, and bloodshed, to wring from a vacillating and short-sighted Government unwilling concessions; but they desire to appeal to the friends of the people, by sound reason, and peaceful remonstrance.

Your Petitioners, therefore, as men whose industry greatly increases the wealth of the country—who contribute a large quota to its revenue, many of them as fathers of families, all of them willing to identify themselves with the interest of the land—do earnestly and respectfully call on your Honorable House to elevate themselves to the condition of citizens, and thus incite them to take an interest in the peace, happiness, and prosperity of the State.

And your Petitioners will ever pray.

[Here follow 208 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL

(POLICE DISTRICT OF TENTERFIELD.)

Ordered by the Legislative Assembly to be Printed, 14 May, 1858.

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

We, the undersigned, inhabitants of the Police District of Tenterfield, do beg to offer our humble Petition against the Electoral Reform Bill—assigning to our pastoral producing districts only twelve, while the Metropolitan and County would be represented by twenty-one Members—now under the consideration of the Assembly; believing that not only this district, but also the pastoral interests in general, (allowedly the most important in the Colony) would be likely to suffer from this inadequate representation in the Councils of the Country.

And your Petitioners will ever pray.

Tenterfield, 30 April, 1858.

[Here follow 47 Signatures.]

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.
(RESIDENTS OF TOWN AND DISTRICT OF SCONE.)

Ordered by the Legislative Assembly to be Printed, 1 June, 1858.

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

The Petition of the undersigned Residents in the Town and District of Scone,—

HUMBLY SHEWETH:—

That your Petitioners, having had under consideration the Electoral Bill now before your Honorable House, and highly approving of the principles of the same—which, amongst other advantages, gives the protection of the Ballot—

Prays that your Honorable House will pass this Electoral Bill in its integrity, with as little delay as possible.

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

[Here follow 128 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(ROCKY RIVER GOLD FIELDS.)

Ordered by the Legislative Assembly to be Printed, 11 August, 1858.

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

The Memorial of the Miners and Residents of the Rocky River Gold Fields,—

HUMBLY SHEWETH :—

That Memorialists regard the introduction of a measure to greatly extend the elective franchise as an important step in the right direction, and eminently calculated to advance the best interests of the Colony.

That Memorialists beg to remind your Honorable House that miners have been taxed above any other class, in fact *doubly taxed* and *never represented*, which we believe to be unfair, and unconstitutional; notwithstanding which, we confidently appeal to their conduct which has been as obedient to the laws and as peaceable as that of any other class in the community.

That, whilst the Memorialists view with much satisfaction the proposal to confer the elective franchise on miners holding a "miner's right," or license, they regard with apprehension and alarm the proposition to erect the Gold Fields into separate Electorates of such immense and unwieldy extent.

That Memorialists conceive insuperable difficulties must arise in carrying out into practical operation this scheme of separate Electorates for the Gold Fields; that under it the miners could never be properly represented, and that any political influence possessed by them in right of their franchise would be swamped and extinguished.

Memorialists therefore pray, that your Honorable House will not erect the Gold Fields into separate Electorates, but allow the miners to vote for the Electorates in which they may reside.

And Memorialists, as in duty bound, will ever pray.

Rocky River,
5 July, 1858.

[Here follow 159 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.
(TOWNSHIPS OF BATHURST AND KELSO.)

Ordered by the Legislative Assembly to be Printed, 24 August, 1858.

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

The Petition of the Inhabitants of the Townships of Bathurst and Kelso,—

HUMBLY SHEWETH:—

1. That the Townships of Bathurst and Kelso, with their suburbs, extending to a circumference of two miles from their respective boundaries, contain a population of nearly six thousand souls, and are therefore, upon the population principle recognized by the new Electoral Bill, entitled to two Members.

2. That by the proposed alteration of the boundaries of the Towns of Bathurst and Kelso, for the purpose of including their suburbs, a large number of Electors having a vote for the County as well as the Boroughs would be qualified as Electors for the County; and in the event of only one Member being returned for the Boroughs they would lose a vote; being subject also to Municipal Taxation without deriving any corresponding advantages. Should only one Member therefore be granted to the Boroughs, your Petitioners humbly submit that the original boundaries of the town should be adhered to.

3. Your Petitioners, therefore, humbly pray that your Honorable House will take the matter into your consideration, and be pleased to grant them two Members for the representation of the United Boroughs of Bathurst and Kelso.

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

[Here follow 658 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(PETITION FROM G. F. WISE, AS CHAIRMAN OF PUBLIC MEETING AT BATHURST.)

Ordered by the Legislative Assembly to be Printed, 27 April, 1858.

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

The Petition of the Inhabitants of the Town and District of Bathurst,—

HUMBLY SHEWETH :—

That whilst they do not pledge themselves to the abstract principle of universal suffrage, they fully approve of the provision made for manhood suffrage in clause number eight of the proposed Electoral Bill, accompanied as it is by the safeguards of registration and a six months residence. They furthermore approve of vote by ballot.

That, in their opinion, it is desirable that the Western Gold Fields, which comprise a large and industrious population, possessing peculiar interests, should have a distinct representation. That they should conjointly form an Electorate within themselves, and send one Member to Parliament. That the franchise should be extended to all holders of a Miner's Right, and that all non-miners resident upon the Diggings should come within the general provisions of the proposed Bill.

That, considering the large influx of Chinese into the Western Districts, who may at some future period avail themselves of the privileges of naturalization, and thereby become Electors, your Petitioners respectfully submit that express provisions should be made in the naturalization clause of the proposed Electoral Bill against the extension of the franchise to the Chinese portion of our population.

That, in the estimation of your Petitioners, if the alterations above suggested be made in the proposed Electoral Bill, it will tend to promote the peace and prosperity of this important Colony.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to consider the premises, and make such provisions in respect thereof as in the judgment of your Honorable House may seem expedient.

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

On behalf of a Public Meeting of the Inhabitants of the Town and District of Bathurst, held at Bathurst on the 8th April, 1858.

GEORGE F. WISE,
Chairman.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(TOWN AND DISTRICT OF ORANGE.)

Ordered by the Legislative Assembly to be Printed, 6 May, 1858.

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

The humble Petition of the undersigned Inhabitants of the Town and District
of Orange,—

RESPECTFULLY SHEWETH:—

That a Public Meeting was held in Orange, on Thursday, the 15th day of April instant, to consider the extension of the franchise to manhood suffrage, and the other important alterations and amendments to the Electoral Law of New South Wales, proposed by the Bill called "*A Bill to amend the Electoral Act.*"

That at such meeting various Resolutions were, amongst others, passed in favor of manhood suffrage, vote by ballot, the reducing the number of Representatives for the City of Sydney, and the excluding the Chinese from the privileges of the franchise.

That your Petitioners are informed and believe, that a Petition embodying the Resolutions passed at such meeting has been signed and forwarded, in accordance with the directions at such meeting, for presentation to both Houses of Parliament.

That your Petitioners respectfully submit, that such Petition is not a sound criterion by which to judge of the opinions of the majority of the population in the District of Orange, upon all the topics therein enumerated.

That your Petitioners are of opinion, and do respectfully submit:—

That there should be some fixed and certain limit to the franchise, grounded upon liberal principles; but that the extension of the franchise to manhood suffrage, as is proposed in the lately promulgated Electoral Bill, and now under the consideration of this Honorable House is not desirable, and that it would be exceedingly difficult, if not impossible, to compile any Electoral List upon the basis of the contemplated extension.

That there is an urgent necessity for an alteration in the mode of voting, to prevent intimidation and other grave abuses; but whether purity of voting is to be attained by the introduction of the ballot, your Petitioners respectfully leave to the consideration of this Honorable House.

That the apportionment of so large a number of Members to the City of Sydney and its Suburbs is unjust to the other parts of the Colony; that such Members might fairly be reduced by four; that such four Members be distributed over the digging population to all of full age holding a miner's right, in the following proportions,—two to the Western Diggings, one to the Southern, and one to the Northern.

That as the Chinese have no feeling in common with us, religiously, socially, or politically, the privileges of the franchise ought not to be extended to that portion of our community.

Your Petitioners therefore humbly pray that this Honorable House will, in passing any Electoral Bill, graciously take into its grave and deliberate consideration the several matters set forth in this Petition, that such wise measures may become law as will meet the growing requirements and increasing importance of the Colony.

And your Petitioners will ever pray, &c.

[Here follow 228 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(ORANGE.)

Ordered by the Legislative Assembly to be Printed, 23 April, 1858.

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

The Petition of the undersigned Inhabitants of the District of Orange,—

HUMBLY SHEWETH :—

That the Police District of Orange, comprising a large area of fertile and mineral country, with a large and rapidly increasing population, is at present insufficiently represented in your Honorable House.

That portions of the Police District of Orange, Molong, Wellington, and Mudgee, form our present Electoral District.

That Mudgee is distant from Orange about one hundred miles, and separated by the almost impassable barrier of the Macquarie River Range, consequently the local interests of both districts cannot possibly be identical.

That the increasing trade to the adjacent Gold Fields has been the means of largely extending the Township of Orange, and rendering the lands adjoining of considerable value.

That the proceeds of the Government land sales during the past three years amount to nearly thirty thousand pounds.

Your Petitioners, therefore, humbly pray that your Honorable House will give in the new Electoral Act a direct and distinct representation to the Police District of Orange.

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

[Here follow 164 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(ORANGE.)

Ordered by the Legislative Assembly to be Printed, 30 April, 1858.

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

The humble Petition of the several persons whose names are hereunto subscribed,
residing in the Town and District of Orange, in the Colony of New South
Wales,—

SNEWETH :—

That at a Public Meeting held in Orange, on Thursday evening, the 15th day of April instant, to consider and discuss the provisions of a Bill lately introduced into this Honorable House to amend the Electoral Law of New South Wales, the following Resolutions were adopted by the Meeting :—

- “ That, in the opinion of this meeting, the extension of the franchise to manhood suffrage
“ is a great public boon, and that this Colony is prepared for its enjoyment.”
- “ That the ballot is calculated to protect our most sacred rights, and that the political
“ history of the Colony convinces us that it is imperatively called for.”
- “ That the apportionment of so large a number of Members to the City of Sydney and
“ its Suburbs is unjust to the other parts of the Colony, and that the number of
“ Members for the City and the Suburbs should be reduced by four, such four
“ Members to be distributed amongst the digging population to all holding a
“ miner’s right, in the proportions following, namely,—two to the Western
“ Digging, one to the Southern Diggings, and one to the Northern Diggings.”
- “ That the uniting of the Police Districts of Orange and Wellington into one Elec-
“ torate requires no alteration.”
- “ That, as the Chinese have no feeling in common with us, either socially or politically,
“ and that, as our relation with China is not at the present time of a friendly
“ nature, this meeting is of opinion that the privileges of the franchise ought not
“ to be extended to the Chinese portion of our community.”
- “ That a Petition, embodying the Resolutions passed at this evening’s meeting, be
“ prepared and presented to both Houses of Parliament.”

Your Petitioners, therefore, respectfully present the several Resolutions to this Honorable House.

And your Petitioners humbly pray, that, in considering the several Provisions embodied in the Bill so introduced to amend the Electoral Law of New South Wales, this Honorable House will take into its gracious consideration the substance and matter of the several Resolutions set forth in this Petition, and will take such steps for effecting the purposes aforesaid, by alterations in the said Bill, in such a manner and by such ways and means as to this Honorable House shall seem meet and expedient.

And your Petitioners will ever pray.

[Here follow 98 Signatures.]

1068
1068
1068

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(POLICE DISTRICT OF BINALONG.)

Ordered by the Legislative Assembly to be Printed, 14 May, 1858.

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

The Petition of the undersigned Residents in the Police District of Binalong,—

HUMBLY SHEWETH :—

That your Petitioners view with the greatest alarm the provisions of a Bill now before your Honorable House, entitled, "A Bill to amend the Electoral Law."

That your Petitioners object to the said Bill in question chiefly for the following reasons :—

1. Because the proposed increase to the number of Members will, according to the plan of distribution provided in the Act, add very materially to the already too powerful influence of Sydney and the Metropolitan County of Cumberland in the Legislative Assembly.
2. Because the electoral divisions are in many cases so arranged as to deprive the agricultural and pastoral interest of that share of the representation which their importance demands.
3. Because the Petitioners, being residents in, are more immediately connected with that part of the Police District of Binalong which was formerly partly in the Police District of Yass, and partly in that of Carcoar, are seriously prejudiced by being joined in the representation with the District of Wagga Wagga, and what was formerly the Police District of Binalong, both of which are purely "squatting districts," while the Petitioners' interests are in a settled district of the Colony.
4. Because, in the explanatory Tables annexed to the Bill, the population of the Police District of Binalong is stated at 1884, according to the census of 1856, and no allowance is made for the increase of a population consequent in the annexation to that district, since 1856, of a large and populous portion of the County of King, the residents of which are estimated at about 2,000.
5. Because, according to the provisions of the Bill as proposed, the interest of the Petitioners will be seriously prejudiced by being conjoined in the election of their representative by the inhabitants of a purely "squatting district," when being more numerous than the residents in that part of the District of Binalong, which is in the Settled Districts, and having consequently different interests, would secure the return of a representative as for a squatting district, leaving the Petitioners and the other residents in the settled part of the District of Binalong wholly unrepresented in the Legislative Assembly.

6. The Petitioners, agreeing with the principles of the Electoral Bill, that the Electorates shall consist of Police Districts, would respectfully submit to your Honorable House that, in order to do justice to the Petitioners, by giving them the opportunity of voting either in a squatting or settled district, according to their qualification, and, consequently, their interests, as well as to give them a fair share of the representatives, according to the number of the population, a new Police District should be formed, to consist of that part of the County of King at present united to Binalong, to be called "The Police District of Burrowa," and that a separate electorate be formed for this district.

Your Petitioners, therefore, humbly pray that your Honorable House may be pleased, in considering the said Electoral Bill, to give effect to the representations of the Petitioners.

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

[Here follow 222 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(BINALONG.)

Ordered by the Legislative Assembly to be Printed, 21 May, 1858.

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

The Petition of the undersigned Magistrates, Crown Tenants, Household-ers,
and other Residents in the Police District of Binalong,—

RESPECTFULLY SHEWETH :—

That your Petitioners view with the greatest alarm the provisions of a Bill intituled, "*A Bill to amend the Electoral Law.*"

That your Petitioners object to the Bill in question chiefly for the following reasons :—

First.—Because the proposed increase to the number of Members will, according to the plan of distribution, add very materially to the already too powerful influence of Sydney and the Metropolitan County of Cumberland in the Legislature of the country.

Secondly.—Because the Electoral Divisions are so arranged as to render it doubtful whether the Agricultural and Pastoral interests will be so fully represented as their importance justly demands.

Thirdly.—Because the combinations of Police Districts are, in many instances, injudicious and unsatisfactory : As an example, the Police Districts of Binalong and Wagga Wagga, as now subsisting, situated partly in the Settled and partly in the Unsettled Districts, and many hundred miles in extent, are united, and return one Member. The interests of the Police District of Wagga Wagga, and of that part of the Police District of Binalong situated in the Settled Districts, are diametrically opposed to each other. The population in the Police District of Wagga Wagga is stated in the Census Returns of 1856 as 1,416 souls, chiefly adult males ; the population of the Police District of Binalong, in the same Census, as 1,884, making a total of 3,300 souls in the two Police Districts, as represented in the Tables explanatory of the proposed Electoral Bill. Since that Census was taken, a large portion of the County of King, formerly in the Police Districts of Carcoar and Yass, has been added to the Police District of Binalong, and no allowance has been made for so great an addition to the population of the District ; such additional population being at least 2,000 souls, or about two-thirds more than the population stated in the explanatory Tables above referred to.

In addition to their firm conviction that the Electorates are not arranged so as to meet the wants of all classes of the residents in them fairly and impartially, your Petitioners would respectfully submit, that while a population of 3,121, returns a Member in the Towns, about half that number should return a Member in the Pastoral Districts ; the proportion of adult males being seldom more than one-fourth in the former, while in the latter generally more than one-half the population is adult males.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to refuse your assent to the proposed Bill, unless the causes of objection stated by your Petitioners be removed.

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

[Here follow 54 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(MEMBERS OF THE ELECTORS' CORRESPONDING COMMITTEE, M'LEAY RIVER.)

Ordered by the Legislative Assembly to be Printed, 2 June, 1858.

To the Honorable the Legislative Assembly of New South Wales.

May it please your Honorable House.

The Petition of the undersigned Electors, being Members of the "Electors'
"Corresponding Committee," for the district of the M'Leay River,—

RESPECTFULLY SHEWETH:—

That your Petitioners, fully approving the principles of the Electoral Bill now before your Honorable House, are anxious that a measure so eminently calculated to promote the best interests of this great Colony should be allowed to pass into a law with as little delay as possible.

Although sensible that it is capable of emendation, they, nevertheless, look upon it as partaking of as large a degree of perfection as any measure can possibly do, not hitherto tested by actual experience.

They believe, that if allowed to become a law in its present form, that it contains within itself the means of future improvement, and that, therefore, laying, as it does, the foundation of rational liberty upon a liberal and just basis, it may be acted upon without the sacrifice of any substantial good.

Your Petitioners desire to convey to your Honorable House their feelings of deep regret that any portion of the residents of this District should have been led to Petition for alterations in the Bill, in any way calculated to protract its speedy enactment, and pray that your Honorable House will cause an examination of the signatures thereto to be made, to satisfy your Honorable House that many of the names having been obtained under false impressions, the Petition ought not to be received as conveying the wishes or requirements of this District, which, at the present time, comprehends within its limits a population of between twelve and thirteen hundred inhabitants.

Your Petitioners have been elected by ballot from amongst their fellow Electors to make known their wishes and protect their interests, and they believe they honestly represent the majority of those possessing property, education, and moral influence.

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

[Here follow 9 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(M'LEAY RIVER DISTRICT.)

Ordered by the Legislative Assembly to be Printed, 2 June, 1858.

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

The Petition of the Landholders, Stockholders, Settlers, Electors, and Residents, the subscribers, of the M'Leay River District,—

HUMBLY SHEWETH :—

That the proposed "Electoral Act of 1858" does not dispose of their Electorate so as to meet with the concurrence of the Electors of this district.

That the proposed Electoral Act of 1858 proposes to attach their Electorate to the River Manning District, including in the same general Electorate the River Hastings District.

That to doom to political marriage with another one district expressing its emphatic dissent thereto, is not expedient, and your Petitioners express their firm non-concurrence therein.

That the M'Leay River District is the geographical and natural seaboard of the New England or Armidale Police District, in which necessarily the New England residents are interested; and through which, so soon as steam transit with the River M'Leay is existing, and the new road to Armidale is opened, a large portion of their goods and passenger traffic will pass.

That your Petitioners deliberately desire that the M'Leay Police District may be conjoined with the Armidale Police District in one general representative Electorate.

That the Electoral Act for 1858 states the population as follows, viz. :—

New England, Armidale, Police District	3,895
M'Leay River, M'Leay Police District... ..	962
Together	4,857

And your Petitioners submit the Census was taken before the influx to the New England gold fields; and that migration to this river is flowing in at a very rapid rate, which will be much augmented so soon as the land at present under survey is sold. That, therefore, as a minimum, they are entitled to add to the number of population stated 1,200

Shewing 6,057

as the aggregate of population now.

That your Petitioners viewing the Electoral Act of 1858 as a fixity, whilst the population in their district is numerically rapidly expanding, submit that one Member is insufficient for the representation of the Electorate indicated; also, that the Electorate of "Parramatta and Liverpool," urban, not pastoral and agricultural populations, with a population of 6,056, is allowed by the proposed Electoral Act of 1858 two Members, and therefore they trust that on principles of justice and equity, a concession of the same political representation granted to others will not be denied to them, causing dissatisfaction of the deepest and most enduring nature through their entire district.

That your Petitioners submit to the wisdom of the Honorable the Legislative Assembly to grant the political connexion they desire, and the increased number of Parliamentary Representatives they consider in justice and equity they are unquestionably entitled to obtain.

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

[Here follow 170 Signatures.]

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1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(POLICE DISTRICT OF WAGGA WAGGA.)

Ordered by the Legislative Assembly to be Printed, 14 May, 1858.

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

The Petition of the undersigned Magistrates, Crown Tenants, Household-ers, and other Residents in the Police District of Wagga Wagga,—

RESPECTFULLY SHEWETH:—

That your Petitioners view with the greatest alarm the provisions of a Bill now under the consideration of your Honorable House, intituled, "A Bill to amend the Electoral Law."

That the electoral distribution proposed in that Bill is extremely objectionable, inasmuch as its effect will be to increase and render paramount in the Assembly the influence of Sydney—already too great—and thereby virtually to disfranchise the Country Districts.

That the electoral divisions proposed in the Bill are also highly objectionable; inasmuch as the ill-arranged and variable boundaries of Police Districts are substituted for the well-known and natural divisions of the Country into Counties and Pastoral Districts.

That the electoral District of which your Petitioners' district will form a part under the provisions of the proposed Bill, though placed among the list of Squatting or Pastoral Electorates, will not in reality possess that character, as the Police District of Binalong, with which it is united, comprises a large and populous portion of the County of King.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to refuse your assent to the proposed Bill, unless the causes of objection stated by your Petitioners be removed.

And your Petitioners will ever pray.

[Here follow 185 Signatures.]

1881

Highway Survey

23rd 1st 1st 1st 1st

Highway Survey

23rd 1st 1st 1st 1st

Highway Survey

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(PETITION FROM YASS.)

Ordered by the Legislative Assembly to be Printed, 13 July, 1858.

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

The Petition of the undersigned Inhabitants of the Town and District of Yass,—

HUMBLY SHEWETH:—

That your Petitioners, upon due consideration of the Electoral Bill now before your Honorable House, are of opinion that the main principles of that important measure are sound and good, and that any minor defects, such as the distribution of the Electorates, may be remedied in Committee, wherever such defects are shewn to exist.

That your Petitioners think, with the framers of the Bill, that the Electorate of Yass should consist of the Police District, the boundaries of which have been lately notified in the Government Gazette, and are well understood by your Petitioners, who strongly object to their interests being (as they have unfortunately hitherto been) mixed up with other towns and districts, whose greater number of electors have virtually disfranchised the electors of the Town and District of Yass.

And your Petitioners therefore earnestly hope, that, for the reasons above-mentioned, your Honorable House may soon cause the said Bill to become law.

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

[Here follow 68 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(H. S. LEWES, AS CHAIRMAN OF MEETING HELD AT MOAMA.)

Ordered by the Legislative Assembly to be Printed, 14 May, 1858.

To the Honorable the Legislative Assembly of the Colony of New South Wales.

The Petition of the undersigned Inhabitants of the Pastoral District of Moama,—

HUMBLY SHEWETH:—

That your Petitioners have learned, with extreme regret and considerable alarm, that a Bill, intituled "*A Bill to amend the Electoral Law,*" recently laid before your Honorable House, contains clauses which would, as your Petitioners verily believe if passed into law, inflict upon a large and most important class of the community a great and overwhelming injustice; while, at the same time, they would tend to sap, if not totally destroy, the great source of the prosperity of the whole Colony. Your Petitioners, while fully recognising the right of every class to possess an amount of representation in the Parliament of the Colony, in as nearly as practicable an exact proportion to their contributions to the prosperity and welfare of the whole community, must beg leave, most earnestly and emphatically, to protest against the enactment of any law that would place the idle profligate man, who does not aid but retards the moral and material advancement of the community, upon a level, by giving him equal political power with the man who, by his industry and enterprising energy, adds, perhaps, in an eminent degree, to the general wealth and advancement of the Colony.

That the Bill would prove a very serious injustice to the digging population of the Colony, as, from the migratory nature of their occupation, they would not be able to comply with the conditions of the Act, and would be equally disfranchised with regard to property qualification. Your Petitioners would further beg leave to point out, that should the proposed Bill be enacted, its operation would be vastly unequal, inasmuch as while in large towns and thickly peopled districts of the Colony it would greatly and effectually extend the elective franchise, its provisions, as far as regarded the extension of the manhood suffrage to the pastoral inhabitants of the far interior—forming, as they do, a section of the community second to none other as contributors to the wealth of the country—would be rendered, by the nature of their occupations alone, inapplicable, and all but totally nugatory; because it is manifestly impossible that the large class of people engaged in the daily, or nightly, tending of sheep, in-herding cattle or horses could, in scarcely any instance, register their votes; while, as it appears to your Petitioners, the numerous shepherds and drovers employed during many months of the year in the important operation of transporting live stock through the vast interior to a distant market, would not, under the proposed law, hold the elective franchise at all.

Your Petitioners further believe that the proposed law would be unjust, inasmuch as it would apportion but twelve Members, in an Assembly consisting of sixty-eight, to

represent the purely Pastoral Districts of the whole Colony of New South Wales, while at the same time, as your Petitioners firmly believe and confidently assert, the population of those districts contributes to the wealth and prosperity of the Colony many times more than all the other classes combined, inasmuch as they are the producers of nearly half, if not more, of the food of the inhabitants of the Colony, and of exports of wool, tallow, and hides, sheep, cattle, and horses, of the annual value of nearly, if not quite, three millions of pounds sterling.

Your Petitioners view with feelings of unfeigned astonishment and alarm that, by the proposed law, it is intended to allot fourteen Members to represent in your Honorable House the City of Sydney and its suburbs, and, taking into their serious consideration the comparative ease with which every member of the population of a large city can exercise his elective franchise—how by powerful combinations, easily effected by crowded and often tumultuous meetings of large masses of the people, who, themselves necessarily ignorant of either the requirements or resources of the Colony, are too frequently led by the mistatements of worthless demagogues and professed agitators to entertain feelings of blind hostility towards the inland classes of the community, the productions of whose industry being at the same time in reality the mainspring and chief support of the commercial prosperity of the metropolis,—considering these things, and the many other influences a dense population can bring to bear upon the course of legislation pursued by a Parliament held in its midst, and comparing these advantages with the impossibility of the large mass of the pastoral population being able *even to record their votes*—your Petitioners do unavoidably come to the conclusion, that the whole governing power of the Colony would in reality be centred in the population of Sydney, and that the far off pastoral districts would possess no other share in the representation than the mockery of its name.

Your Petitioners do therefore most humbly pray that your Honorable House will not permit the proposed Electoral Bill to pass into law until its provisions shall have been so modified as to give to every class of the community a practicable, just, and fair share of representation in the Legislature, in proportion to their contributions to the general welfare and prosperity of the Colony.

And your Petitioners will ever pray.

Signed, in virtue of a resolution passed by a meeting of the Inhabitants of Moama, held at Moama on the 1st May, 1858.

HENRY S. LEWES

Chairman.

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL BILL.

(DENILIQUIN.)

Ordered by the Legislative Assembly to be Printed, 14 May, 1858.

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

The humble Petition of the undersigned, of the Town and District of Deniliquin,—

SHREWETH:—

That your Petitioners view with alarm the Bill now before your Honorable House, intituled "*A Bill to amend the Electoral Law.*"

That the said Bill will, if passed, prove most ruinous to the great producing and exporting interests of the Colony, because the Bill does not, in respect to the interior, fairly represent either interests or population.

That, from the early days of the Colony up to the present time, New South Wales has been a pastoral country—the prosperity of the Colonists, for the last thirty years, mainly depending, and it still depends, upon this great interest.

That the exports from the Colony,—viz., of wool, tallow, hides, horns, &c.,—amount to upwards of one million (annually) of pounds sterling.

That the export of fat and lean stock overland to Victoria amounts in value to two millions of pounds sterling annually, or thereabouts.

That the combined exports produced by other callings or trades in New South Wales can scarcely amount to one-sixth of that which is yielded by pastoral enterprise and labor.

That in the new Electoral Bill it is proposed to return sixty-eight Members; that only twelve Members are to be allotted to districts purely pastoral; and that six districts, "partly squatting and partly settled," are to return six Members.

That in the mixed districts last referred to, the towns population are powerful enough to over-ride and out-vote the other parts of those districts, and that, therefore, pastoral interests in the Colony will be represented by about twelve Members.

That, even under the said Bill, which so unfairly represents the population of the pastoral area of the Colony, the said interest would be materially weakened in the approaching separation of the Moreton Bay Country, because the Honorable Members from that part are chiefly classed as pro-pastoral.

That the Tables which form the basis of the proposed Electoral Bill, when applied to the Unsettled Districts, are calculated to mislead your Honorable House, because large numbers of the able-bodied population of the bush are engaged in occupations such as sawing, splitting, fencing, &c.; their habitations in the backwoods almost preclude the possibility of ascertaining their number; the pastoral people would, therefore, be numerically unrepresented.

Your Petitioners beg to represent to your Honorable House that, in the interior of the Colony, the preponderance of males over females is very considerable, so far, it is believed, as two males to one female; that, in a great majority of the outlying districts, the excess of males is greater still, and that, as a sequence, there are fewer children in proportion to population than are in Sydney and other chief towns.

Your Petitioners invite the attention of your Honorable House to the overland trade in cattle, horses, and sheep from the great Pastoral Districts of New South Wales to Victoria, the trade amounting in value to two millions sterling annually; the whole of the population so engaged are adult males, full of energy and patient industry, and generally accepted as among the very best of colonists, almost every man of whom would not be enfranchised according to the proposed Electoral Bill.

Your Petitioners respectfully ask your Honorable Assembly to consider, for one moment, that nearly the whole of the vast area of inland country from Fort Bourke to the Middle Murray (400 miles direct), and from the vicinity of Bathurst across to the Darling (380 miles direct), the great country designated as "Unsettled," and which produces most of the wealth in live stock consumed in this Colony, and the stock taken from hence to Victoria, the said Electoral Bill would give only four Members for the next Assembly.

Your Petitioners beg to bring under the notice of your Honorable House the very great disadvantage which persons residing in the interior labor under, when compared with those resident in towns. The latter are enabled to meet on political matters, often times at an hour's notice, and on all emergencies, while the pastoral population, scattered over an immense extent of country, are precluded, as well by distance as by the nature of their occupation, from declaring their sentiments on things vitally affecting their prosperity.

Your Petitioners are sincerely desirous of seeing all sections of the community properly represented, are anxious to bear their fair share of all taxation required for the religious, moral, and social advancement of the Colony, and that the laws should be equitable and just; but, your Petitioners cannot conceive the necessity for sacrificing the earliest, steadiest, soundest, and most durable interests of New South Wales, by such an organic change as the Electoral Bill proposes.

That, far from wishing that any producing class should labor under the political disadvantage of not being enfranchised, your Petitioners would assure your Honorable House that it is the anxious desire of the bush population to see the gold digging community become electors, which the said Bill does not secure them, because from the erratic nature of the gold digger's calling the majority could not qualify, by reason of their non-residence for six months in one place, as required by the said Bill.

That manhood suffrage, as it relates to the interior of the Colony, is thoroughly impolitic and inapplicable, first, because the thousands of shepherds, herdsmen, and others engaged throughout the day, could not possibly neglect their flocks and herds (requiring hourly attention) in order to register their votes, the polling-places being often times distant two or three days journey. Secondly, because manhood suffrage takes from the individual that self reliance which all should possess, and would tend to remove from him the desire to become a producer of wealth, thus enriching him and his country. And, thirdly, it would place the idle and profligate in town and country upon a level with the industrious and frugal.

That your Petitioners humbly observe to your Honorable House, in the event of the said Bill being passed, that the disaffection towards the Government of New South Wales, the seeds of which have so long been sown in these parts of the interior, would here take root deeper and wider, so much indeed, as your Petitioners truthfully believe, as to concentrate the energies of the pastoral population on the question of severing the great interests now imperiled by the said Bill from the domination of a few active and noisy demagogues, who have contributed but little, physically or mentally, to the wealth of the Colony.

That, therefore, feeling that the said Electoral Bill is so unjust in principle, and so subversive of all right, that it would paralyze the energies of the pastoral interior, who would invest labor and wealth in improving the country,—that it would materially diminish the exports—that it would increase the price of meat eaten by the home consumers, especially in the large towns—that it would promote an internecine war, setting the country population against the towns-people, so greatly to be deprecated; and, finally, that the Bill, when passed, would be the signal for endeavouring to effect a separation of the pastoral districts of the Colony from the other parts thereof;—for these and other reasons which must be obvious to your Honorable House,—

Your Petitioners humbly pray that the said Bill be altogether rejected, or that it should be so modified as to give to the great pastoral interests, and the pastoral people of the Colony, a fair and equitable share of Representatives in Parliament.

[Here follow 86 Signatures.]

1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL BILL.

(H. E. CAMPBELL, AS CHAIRMAN OF PUBLIC MEETING AT ALBURY.)

Ordered by the Legislative Assembly to be Printed, 1 June, 1858.

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

The humble Petition of the Inhabitants of the Town and District of Albury,
in Public Meeting assembled,—

SHewETH:—

That your Petitioners have long been impressed with the necessity of a reform in the Electoral Law of the Colony, and have heard with pleasure that a Bill for that purpose is now before your Honorable House.

That the principles of the proposed Bill meet with their hearty concurrence, and they believe that the passing of the measure in its integrity will promote the best interests of the Colony.

That your Petitioners attach especial importance to the question of Vote by Ballot, and are of opinion that no Electoral Act will prove acceptable to the people of this Colony that does not afford perfect security for secrecy of voting.

Your Petitioners therefore pray that the Electoral Reform Bill now before your Honorable House may be passed without material alteration, and that in any future Elections of Members of Parliament, voting only be taken by Ballot.

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

Signed on behalf of the Meeting,

H. E. CAMPBELL,

Chairman.

19 May, 1858.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 10

PROBLEMS

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1858.

Legislative Assembly.
NEW SOUTH WALES.

ELECTORAL DISTRICTS.

(ADULT MALE POPULATION IN.)

Return to Order : MR. W. MACLEAY : 23 April, 1858.

Ordered by the Legislative Assembly to be Printed, 30 April, 1858.

ELECTORAL DISTRICTS.

TABLE shewing the NUMBER of MALE ADULTS in the several ELECTORATES proposed by the ELECTORAL BILL of 1858, with the NUMBER of MEMBERS proposed for each DISTRICT, arranged according to the several great divisions of the Colony therein specified.

ELECTORATE.	POLICE DISTRICT.	No. of Members.	Male Adults.	TOTALS.
SOUTHERN DISTRICTS.				
Argyle	Goulburn	2	.....	1,939
Camden, West	{ Camden and Picton	2	{ 1,222 664	1,786
	{ Berrima			
Central Cumberland	{ Parramatta and Liverpool (the remainder of the District not included in the Towns of Parramatta and Liverpool)	2	.....	2,861
Cowpasture, The ...	{ Campbelltown	1	{ 686 165	851
	{ Narellan			
Illawarra	Wollongong	1	.....	1,055
Kiama	Kiama	1	.....	941
Lachlan, The	{ Binalong	1	{ 718 637	1,355
	{ Wagga Wagga			
Monaro, The	{ Cooma	1	{ 560 367 413	1,340
	{ Bombala			
	{ Eden			
Murray, the Upper ...	Albury	1	.....	868
Murray, The Lower	{ Deniliquin and Moama	1	{ 397 210 437	1,044
	{ Moulamein			
	{ Balranald			
Murrumbidgee, The	{ Gundagai	1	{ 372 621	993
	{ Tumut			
Queanbeyan, The	Queanbeyan	1	.....	780
Shoalhaven	Shoalhaven	1	.....	937
St. Vincent	{ Braidwood	1	{ 1,079 309	1,388
	{ Broulee			
Yass Plains	Yass	1	.....	1,154
1 Member to 1,072 Adults.		18 Members to		19,292
Cumberland..... 2,861 2 Members.				
Camden 1,786 2 ..				
1,075 Difference.				

ELECTORATE.	POLICE DISTRICT.	No. of Members.	Male Adults.	TOTALS.
MIDDLE DISTRICTS.				
Bogan, The.....	Dubbo	1 {	750	1,394
	Molong.....		644	
Carcoar	Carcoar.....	1	.....	1,025
Cudgegong, The.....	Mudgee	1 {	.....	1,936
	Hartley		597	
Hartley	Rylstone	1 {	324	921
	
Hawkesbury, The ...	Windsor and	2 {	1,404	1,574
	M'Donald River		170	
Hunter, The	Maitland, (Remainder of Police District)...	2	.....	1,948
Hunter, The Lower ...	Raymond Terrace	1 {	.....	970
	
Hunter, The Upper	Merton and Muswellbrook	1 {	316	1,258
	Scone		357	
	Murrurundi, part of.....		294	
	Cassillis		291	
Nepcan, The	Penrith	1	.....	1,295
Newcastle	Newcastle.....	1	.....	1,380
Paterson, The.....	Paterson	1	.....	572
Patrick's Plains.....	Patrick's Plains	1	.....	923
Turon, The	Bathurst	2	.....	3,090
	
Wellington.....	Orange.....	1 {	656	1,597
	Wellington		941	
Williams, The	Dungog	1 {	571	967
	Port Stephens		396	
Wollombi, The	Gosford	1 {	518	911
	Wollombi.....		393	

1 Member to 1,145 Adults.

19 Members to

21,761

Mudgee..... 1,936 1 Member.
 Paterson 572 1 ..

1,364 Difference.

NORTHERN DISTRICTS.

Burnett, The	Gayndah	1 {	826	1,546
	Maryborough		355	
	Leichhardt		200	
	Gladstone.....		165	
Clarence, The	Grafton	1 {	357	1,192
	Tabulam		513	
	Tenterfield		322	
Darling Downs, The	Warwick	1 {	626	1,804
	Drayton		635	
	Dalby		328	
	Condamine or Surat		215	
Gwydir, The	Wellingrove.....	1 {	456	1,180
	Warialda		521	
	Wee Waa.....		203	
Hastings, The	Port Macquarie and Manning.....	1 {	784	1,059
	Macleay River.....		275	
Liverpool Plains	Tamworth	1	1,414
Moreton, East	Brisbane (Remainder of Police District)	1	873
	not included in the Town) .....		.....
Moreton, West	Ipswich Ditto	1	899
New England	Armidale	1	1,498

1 Member to 1,274 Adults.

9 Members to

11,465

Darling Downs 1,804 1 Member. | Darling Downs 1,804 1 Member.
 Moreton, East 873 1 .. | Paterson 572 1 ..

931 Difference.

1,232 Difference.

ELECTORAL DISTRICTS.

5

ELECTORATE.	POLICE DISTRICT.	No. of Members.	Male Adults.	TOTAL.	
SYDNEY POLICE DISTRICT. (NOT INCLUDED IN HAMLETS.)					
St. Leonard's	{ Northern Division, including	1 {	1,804	1,940	
	{ St. Leonard's Hamlet		136		
Canterbury.....	{ Southern Division, including	1 {	1,566	1,646	
	{ Canterbury		80		
1 Member to 1,793 Male Adults		2 Members to		3,586	
CITY OF SYDNEY.					
North-west Sydney ...	Gipps and Brisbane Wards	2 {	2,247	4,439	
			2,192		
North-east Sydney ...	Bourke and Macquarie Wards	2 {	1,548	2,978	
			1,430		
South-west Sydney ...	Phillip and Denison Wards.....	2	.....	3,351
South-east Sydney ...	Cook and Fitzroy Wards.....	3	.....	3,786
1 Member to 1, 617 Male Adults.		9 Members to		14,554	
HAMLETS.					
Paddington	{ Paddington	1 {	541	1,194	
			120		
			533		
The Glebe	{ Glebe	1 {	729	1,200	
			471		
Newtown	{ Chippendale	1 {	205	1,106	
			Newtown		457
			O'Connell Town		249
			Camperdown		195
1 Member to 1,166 Adults.		3 Members to		3,500	
TOWNS.					
Bathurst.....	Bathurst	1	.....	977
Brisbane.....	Brisbane	1	.....	837
Ipswich	Ipswich	1	.....	777
Maitland, East	{ East Maitland	1 {	428	824	
			Morpeth		396
Maitland, West	West Maitland.....	1	.....	1,151
Parramatta.....	Parramatta and Liverpool Towns	2 {	1,490	1,645	
			155		
Windsor.....	Windsor and Richmond	1 {	448	651	
			203		
1 Member to 858 Male Adults.		8 Members to		6,862	

ELECTORAL DISTRICTS.

RECAPITULATION.		No. of Members.	Proportion to Adult Population.	Adult Males.
15	SOUTHERN DISTRICTS	18	$\frac{1}{1,072}$	19,292
16	MIDDLE Do.	19	$\frac{1}{1,145}$	21,761
9	NORTHERN Do.	9	$\frac{1}{1,274}$	11,465
2	METROPOLITAN Do.	2	$\frac{1}{1,793}$	3,586
4	CITY Do.	9	$\frac{1}{1,617}$	14,554
3	HAMLETS Do.	3	$\frac{1}{1,166}$	3,500
7	TOWN Do.	8	$\frac{1}{858}$	6,862
56		68	$\frac{1}{1,191}$	81,020

R. G. O.,
29th April, 1858.

CHRIS. ROLLESTON,
R. G.

STATEMENT shewing the NUMBER of REPRESENTATIVES to be chosen by the SQUATTING, MIXED, and SETTLED DISTRICTS, and of the NUMBER of MALE ADULTS in each ELECTORATE.

ELECTORATE.	POLICE DISTRICT.	No. of Members.	Male Adults.	TOTAL.
SQUATTING DISTRICTS.				
The Upper Murray	Albury	1	.....	868
The Lower Murray	Deniliquin	1	397	1,044
	Moulamein		210	
	Balranald		437	
The Murrumbidgee	Gundagai	1	372	993
	Tumut		621	
The Monaroo	Cooma	1	560	1,340
	Bombala		367	
	Eden		413	
The Lachlan	Binalong	1	718	1,355
	Wagga Wagga		637	
The Bogan	Dubbo	1	750	1,394
	Molong		644	
The Gwydir	Wellingrove	1	456	1,180
	Warialda		521	
	Wee Waa		203	
Liverpool Plains	Tamworth	1	.....	1,414
New England	Armidale	1	.....	1,498
The Clarence	Grafton	1	357	1,192
	Tabulam		513	
	Tenterfield		322	
The Darling Downs	Warwick	1	626	1,804
	Drayton		635	
	Dalby		328	
	Condamine		215	
The Burnett	Gayndah	1	826	1,546
	Maryborough		355	
	Leichhardt		200	
	Gladstone		165	
1 Member to 1,302 Adult Males.		12	.....	15,628
MIXED DISTRICTS.				
St. Vincent	Braidwood	1	1,079	1,388
	Broulee		309	
Yass Plains	Yass	1	.....	1,154
Wellington	Orange	1	656	1,597
	Wellington		941	
The Hastings	Port Macquarie	1	784	1,059
	M'Leay River		275	
Moreton, East	Brisbane	1	.....	873
Moreton, West	Ipswich	1	.....	899
1 Member to 1,161 Male Adults.		6	.....	6,970

ELECTORAL DISTRICTS.

ELECTORATE.	POLICE DISTRICT.	No. of Members.	Male Adults.	TOTAL.
SETTLED DISTRICTS.				
Argyle	Goulburn	2	.....	1,939
Camden, West	Camden and Picton	2	1,122	1,786
	Berrima		664	
Carcoar	Carcoar	1	.....	1,025
The Cowpasture	Campbelltown	1	686	851
	Narellan, &c.		165	
The Cudgegong	Mudgee	1	.....	1,936
Hartley	Hartley	1	597	921
	Rylstone		324	
The Hawkesbury ...	Windsor	2	1,404	1,574
	Macdonald River		170	
The Hunter	Maitland	2	.....	1,948
The Lower Hunter ...	Raymond Terrace	1	.....	970
	Merton and Muswellbrook		316	
The Upper Hunter...	Scone	1	357	1,258
	Murrurundi		294	
	Cassilis		291	
Illawarra	Wollongong	1	.....	1,055
Kiama	Kiama	1	.....	941
The Nepean	Penrith	1	.....	1,295
Newcastle	Newcastle	1	.....	1,380
The Paterson	Paterson	1	.....	572
Patrick's Plains	Patrick's Plains	1	.....	923
The Queanbeyan	Queanbeyan	1	.....	780
Shoalhaven	Shoalhaven	1	.....	937
The Turon	Bathurst	2	.....	3,090
The Williams..	Dungog	1	571	967
	Port Stephens		396	
The Wollombi	Gosford	1	518	911
	Wollombi		393	
Central Cumberland...	Parramatta	2	.....	2,861
1 Member to 1,068 Adults.		28	.....	29,920

RECAPITULATION.				
		No. of Members.	Proportion to Adult Population.	Adult Males.
12	SQUATTING DISTRICTS.....	12	$\frac{1}{1,302}$	15,628
6	MIXED Do.	6	$\frac{1}{1,161}$	6,970
22	SETTLED Do.	28	$\frac{1}{1,068}$	29,920
2	METROPOLITAN Do.	2	$\frac{1}{1,793}$	3,586
4	CITY OF SYDNEY Do.	9	$\frac{1}{1,617}$	14,554
3	HAMLETS Do.	3	$\frac{1}{1,166}$	3,500
7	TOWN Do.	8	$\frac{1}{858}$	6,862
56		68	$\frac{1}{1,191}$	81,020

1858.

Legislative Assembly.

NEW SOUTH WALES.

POLICE DISTRICTS.

(ADULT MALE AND FEMALE POPULATION OF.)

Return to Order : MR. W. MACLEAY : 14 May, 1858.

Ordered by the Legislative Assembly to be Printed, 3 June, 1858.

POLICE DISTRICTS.

RETURN shewing the number of ADULTS, distinguishing MALES and FEMALES, in every portion of the several Police Districts throughout the Colony, wherever such Police Districts comprise portions of distinct Counties and Pastoral Districts.

	MINORS.			ADULTS.			PERSONS.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
ALBURY. —Police District.									
Albury, Village	146	137	283	257	105	362	403	242	645
South-eastern portion of the Morumbidgee Pastoral District	312	249	561	611	198	809	923	447	1,370
	458	386	844	868	303	1,171	1,326	689	2,015
ARMIDALE. —Police District.									
Armidale, Village	198	220	427	293	137	430	491	366	857
Southern part of the New England Pastoral District	769	621	1,390	1,205	448	1,648	1,974	1,064	3,038
	967	850	1,817	1,498	580	2,078	2,465	1,430	3,895
BATHURST. —Police District.									
Bathurst, Town	772	862	1,634	977	688	1,615	1,749	1,500	3,249
Kelso, Village	105	85	190	87	66	153	192	151	343
Sofala, Village	111	110	221	214	93	307	325	203	528
Eastern part of County Bathurst	577	505	1,062	747	348	1,095	1,304	853	2,157
Southern half of County Roxburgh	1,037	936	1,993	1,603	683	2,286	2,640	1,639	4,279
Northern part of County Georgiana	55	39	94	55	29	84	110	63	173
Western part of Westmoreland	367	316	683	384	204	588	751	520	1,271
	3,004	2,873	5,877	4,067	2,061	6,128	7,071	4,934	12,005
BALRANALD. —Police District.									
Albert, Pastoral District	25	20	45	96	19	115	121	39	160
Lower Darling, Pastoral District	44	32	76	179	24	203	223	56	279
Western extreme of the Lachlan Pastoral District	25	14	39	59	13	72	84	27	111
Western extreme of the Morumbidgee Pastoral District	21	4	25	103	16	119	124	20	144
	115	70	185	437	72	509	552	142	694
BERRIMA. —Police District.									
Berrima, Village	47	47	94	54	40	94	101	87	188
South part of County Camden	657	533	1,090	610	339	949	1,167	872	2,039
	604	580	1,184	664	379	1,043	1,268	959	2,227
BINALONG. —Police District.									
Binalong, Village	49	40	89	73	37	110	122	77	199
Part of the Lachlan Pastoral District	434	376	810	645	230	875	1,079	606	1,685
	483	416	899	718	267	985	1,201	683	1,884
BOMBALA. —Police District.									
Bombala, Village	88	86	174	90	55	145	178	141	319
Part of Monaro Pastoral District	278	244	522	277	155	432	555	399	954
	366	330	696	367	210	577	733	540	1,273
BRISBANE. —Police District.									
South Brisbane, Town	129	147	276	139	108	247	268	255	523
North Brisbane, Town	468	598	1,066	627	477	1,104	1,095	1,075	2,170
Kangaroo Point, Town	70	77	147	71	69	140	141	146	287
Eastern Suburbs of North Brisbane	252	297	549	192	214	406	444	511	955
Suburbs of South Brisbane	99	87	186	147	59	206	246	146	392
Western Suburbs of North Brisbane	15	21	36	18	14	32	33	35	68
Eastern part of the reputed County of Stanley	348	278	626	446	243	689	794	521	1,315
South-east part of Moreton Pastoral District	25	19	44	70	20	90	95	39	134
	1,406	1,524	2,930	1,710	1,204	2,914	3,116	2,728	5,844

POLICE DISTRICTS.

3

	MINORS.			ADULTS.			PERSONS.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
BRADWOOD,—Police District.									
Braidwood, Town.....	122	137	259	154	94	248	276	231	507
South-west portion of County of St. Vincent.....	243	209	452	246	155	401	489	364	853
Eastern portion of County Murray....	107	101	208	162	81	243	269	182	451
Braidwood Gold Fields	268	267	535	517	182	699	785	449	1,234
	740	714	1,454	1,079	512	1,591	1,819	1,226	3,045
BROUFE,—Police District.									
Moruya, Village	47	41	88	34	26	60	81	67	148
Part of County St. Vincent (South-east.)	203	198	401	173	130	303	376	328	704
North-east portion of Maneroo Pastoral District	94	92	186	102	67	169	196	159	355
	344	331	675	309	223	532	653	554	1,207
CAMPBELLTOWN, CAMDEN, NARELLAN, AND PICTON,—Police District.									
Campbell town (in Cumberland County.)	160	202	362	128	137	265	238	339	627
Rest of St. Peter's, Parish (ditto)....	281	245	526	212	147	359	493	392	885
Narellan, Village (ditto).....	39	27	66	28	26	54	67	53	120
Rest of Narellan Parish (ditto)....	164	172	336	137	123	260	301	295	596
Appin, Village (ditto).....	35	42	77	39	23	62	74	65	139
Rest of Appin, Parish (ditto)....	112	109	221	88	59	147	200	168	368
Picton, Village (in Camden County)...	28	41	69	36	26	62	64	67	131
Upper Picton, Village (ditto)....	21	30	51	28	16	44	49	46	95
Camden, Village (ditto).....	115	133	253	111	94	205	226	232	458
Part of Camden County (ditto)....	980	941	1,921	924	583	1,507	1,904	1,524	3,428
Part of Minto, Parish (in Cumberland)...	15	13	28	12	9	21	27	22	49
Cook, Parish (ditto).....	151	155	306	133	102	235	284	257	541
Menangle, Parish (in Cumberland County).....	79	81	160	69	50	119	148	131	279
Part of County Westmoreland	29	35	64	28	19	47	57	54	111
	2,209	2,231	4,440	1,973	1,414	3,387	4,182	3,645	7,827
CARCOAR,—Police District.									
Carcoar Village.....	93	94	187	114	63	177	207	157	364
Part of County Bathurst.....	317	113	430	442	51	493	759	164	923
Part of County King	126	330	456	109	169	278	235	499	734
Part of County Georgiana	231	208	439	360	123	483	591	331	922
	767	745	1,512	1,025	406	1,431	1,792	1,151	2,943
CASSIUS,—Police District.									
Dalkeith, Village	28	14	42	24	16	40	52	30	82
Merriwa, Village	56	60	116	57	32	89	113	92	205
Part of County Brisbane.....	18	11	29	32	9	41	50	20	70
Part of County Bligh	95	70	165	178	61	239	273	131	404
	197	155	352	291	118	409	488	273	761
COOMA,—Police District.									
Cooma, Village	44	46	90	51	25	76	95	71	166
North-west half of Maneroo Pastoral District	554	475	1,029	496	264	760	1,050	739	1,789
Small Portion of the Morumbidgee Pastoral District	20	12	32	13	9	22	33	21	54
	618	533	1,151	560	298	858	1,178	831	2,009
DALBY,—Police District.									
Dalby, Village	15	33	48	40	21	61	55	54	109
Part of Darling Downs Pastoral District	114	89	203	288	78	366	402	167	569
	129	122	251	328	99	427	457	221	678
DENLIQUIN,—Police District.									
Denliquin, Village	31	24	55	73	27	100	104	51	155
Part of the Morumbidgee Pastoral District	102	68	170	324	76	400	428	144	570
	133	92	225	397	103	500	530	195	725
DRAYTON,—Police District.									
Drayton, Village	66	54	120	98	45	143	164	99	263
Main Part of Darling Downs.....	266	199	465	537	192	729	803	391	1,194
	332	253	585	635	237	872	967	490	1,457
DUBBO,—Police District.									
Part of Bligh, Pastoral District.....	313	232	545	587	175	762	900	407	1,307
Part of Wellington Pastoral District..	63	56	124	163	32	195	231	88	319
	371	288	659	750	207	957	1,131	495	1,626

POLICE DISTRICTS.

	MINORS.			ADULTS.			PERSONS.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
DUNGOG,—Police District.									
Dungog, Village	108	113	221	71	64	135	179	177	356
Clarence Town	81	93	174	68	53	121	149	146	295
Part of County Durham	338	307	645	249	185	434	587	492	1,079
Part of County Gloucester	281	255	536	183	133	316	464	388	852
	808	768	1,576	571	435	1,006	1,379	1,203	2,582
EDEN,—Police District.									
Eden, Port and Village	38	49	87	103	45	148	141	94	235
Panbula, Village	54	63	117	43	43	86	97	106	203
Part of Monaro, Pastoral District	224	192	416	267	130	397	491	322	813
	316	304	620	413	218	631	729	522	1,251
GAYNDAH,—Police District.									
Gayndah, Village	22	24	46	80	26	106	102	50	152
Burnett, Pastoral District	180	93	273	746	133	879	926	231	1,157
	202	122	324	826	159	985	1,028	281	1,309
GOSFORD,—Police District.									
East Gosford, Village	35	43	78	48	29	77	83	72	155
West Gosford, Village	28	37	65	29	23	52	57	60	117
Part of County Northumberland	467	444	911	441	260	701	908	704	1,612
	530	524	1,054	518	312	830	1,048	836	1,864
GOULBURN,—Police District.									
Goulburn, Town	412	523	935	483	361	844	895	884	1,779
Rural part of County Argyle	1,304	1,331	2,635	1,309	798	2,107	2,613	2,129	4,742
South portion of County Georgiana	127	156	283	147	77	224	274	233	507
	1,843	2,010	3,853	1,939	1,236	3,175	3,782	3,246	7,028
GRAFTON,—Police District.									
Grafton, Village	187	178	365	180	110	290	367	288	655
The Clarence, Pastoral District, Southern half	84	81	165	177	72	249	261	153	414
	271	259	530	357	182	539	628	441	1,069
GUNDAGAI,—Police District.									
South Gundagai, Village	36	24	60	35	21	56	71	45	116
North Gundagai, Village	46	57	103	90	38	128	136	95	231
Jugiong, Village	32	22	54	29	15	44	61	37	98
Part of the Lachlan Pastoral District ..	53	41	94	86	25	111	139	66	205
Part of the Morumbidgee Pastoral Dist.	73	71	144	132	40	172	205	111	316
	240	215	455	372	139	511	612	354	966
HARTLEY,—Police District.									
Hartley, Village	24	36	60	44	24	68	68	60	128
Part of County Westmoreland	213	198	416	187	110	297	405	308	713
Part of County Cook	337	347	684	317	200	517	654	547	1,201
Part of County Georgiana	84	66	150	49	32	81	133	98	231
	668	647	1,315	597	366	963	1,260	1,013	2,273
IPSWICH,—Police District.									
Ipswich, Town	570	616	1,186	777	496	1,273	1,347	1,112	2,459
Part of Moreton Pastoral District	75	61	136	204	53	257	279	114	393
Western part of the reputed County of Stanley	351	338	689	695	322	1,017	1,046	660	1,706
	996	1,015	2,011	1,676	871	2,547	2,672	1,886	4,558
KIAMA,—Police District.									
Kiama Village	110	152	262	117	116	233	227	268	495
Geringong Village	15	17	32	21	15	36	36	32	68
Part of Illawarra	986	946	1,932	803	585	1,388	1,789	1,531	3,320
	1,111	1,115	2,226	941	716	1,657	2,052	1,831	3,883
MACDONALD RIVER,—Police District.									
St. Alban's, Village	30	32	62	16	13	29	46	45	91
Part of County Northumberland	81	83	164	66	36	102	147	119	266
Part of County Hunter	104	121	225	88	53	141	192	174	366
	215	236	451	170	102	272	385	338	723
MAITLAND,—Police District.									
East Maitland, Town	421	446	867	423	360	783	849	806	1,655
West Maitland, Town	1,101	1,265	2,366	1,151	924	2,075	2,252	2,189	4,441
Morpeth, Town	369	424	793	396	283	679	765	707	1,472
Hinton, Village	103	126	229	104	80	184	212	206	418
Part of County Durham	838	902	1,740	699	518	1,217	1,537	1,420	2,957
Part of Northumberland County	1,179	1,219	2,398	1,146	804	1,949	2,324	2,023	4,347
	4,016	4,382	8,398	3,923	2,969	6,892	7,939	7,351	15,290

POLICE DISTRICTS.

	MINORS.			ADULTS.			PERSONS.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
MACLEAY RIVER,—Police District.									
Kempsey, Village.....	35	33	68	20	24	44	55	57	112
North-east corner of County Macquarie.	50	61	111	55	27	82	105	88	193
Macleay, Pastoral District.....	155	187	342	200	115	315	355	302	657
	240	281	521	275	166	441	515	447	962
MARYBOROUGH,—Police District.									
Maryborough.....	74	56	130	166	57	223	240	113	353
Wide Bay, Pastoral District.....	55	40	95	189	32	221	244	72	316
	129	96	225	355	89	444	484	185	669
MOLONG,—Police District.									
South-western half of the Wellington									
Pastoral District.....	255	254	509	554	157	711	809	411	1,220
Portion of Wellington, County.....	50	49	99	90	37	127	140	86	226
	305	303	608	644	194	838	949	497	1,446
MOULAMBRI,—Police District.									
Moulambri, Village.....	11	14	25	20	5	25	31	19	50
Part of the Murrumbidgee Pastoral									
District.....	21	17	38	190	21	211	211	38	249
	32	31	63	210	26	236	242	57	299
MUDGEE.—Police District.									
Mudgee, Village.....	221	214	435	240	128	368	461	342	803
Part of County Phillip.....	142	136	278	251	100	351	393	236	629
Part of County Wellington.....	117	111	228	143	68	201	260	169	429
Avisford, Gold Field.....	424	343	767	1,302	278	1,580	1,726	621	2,347
	904	804	1,708	1,336	564	2,500	2,840	1,368	4,208
MURRUMBUNDI,—Police District.									
Murrumbundi, Village.....	34	44	78	36	19	55	70	63	133
Haydowntown.....	35	43	78	64	35	99	99	78	177
Part of County Durham.....	17	11	28	22	9	31	39	20	59
Part of County Brisbane.....	183	159	342	172	88	260	305	247	552
	219	257	476	294	151	445	513	408	921
MUSWELLBROOK & MERTON,—Police District.									
Merton, Village (not separately taken.)									
Muswellbrook, Village.....	119	124	243	122	85	207	241	209	450
South-west part of County of Durham..	57	57	114	92	40	132	149	97	246
South-east part of County of Brisbane..	71	51	122	77	39	116	148	90	238
North-west part of County of Hunter..	24	30	54	25	15	40	49	45	94
	271	262	533	316	179	495	587	441	1,028
NEWCASTLE,—Police District.									
Newcastle, City.....	308	318	626	501	277	778	809	595	1,404
Stockton, Village.....	37	35	72	33	25	58	70	60	130
Part of County Northumberland.....	768	762	1,530	846	620	1,466	1,614	1,382	2,996
	1,113	1,115	2,228	1,380	922	2,302	2,493	2,037	4,530
ORANGE,—Police District.									
Orange, Village.....	64	63	127	70	39	109	134	102	236
Western part of County Bathurst.....	360	349	709	424	196	620	784	545	1,329
Part of County Wellington.....	120	128	248	162	66	228	282	194	476
	544	540	1,084	656	301	957	1,200	841	2,041
PARRAMATTA & LIVERPOOL,—Police District.									
Marramatta, Parish. (Nil.)									
Berowra, Parish.....	18	10	28	13	9	22	26	19	45
Cowan, Parish.....	5	4	9	5	3	8	10	7	17
North Colah, Parish.....	54	69	123	44	34	78	98	93	191
South Colah, Parish.....	69	55	124	48	37	85	107	92	199
Part of Castlehill, Parish.....	102	100	202	87	60	147	189	160	349
North part of Parramatta, Town.....	533	537	1,070	686	506	1,192	1,274	1,043	2,317
Part of Field of Mars, Parish.....	407	451	858	444	303	747	851	754	1,605
South part of Parramatta, Town.....	746	819	1,565	804	743	1,547	1,550	1,562	3,112
Part of St. John's Parish.....	187	165	352	231	147	378	416	312	730
Prospect, Parish.....	267	238	505	229	175	404	496	413	909
Hunter's Hill, Parish.....	368	348	716	364	275	639	732	623	1,355
Liberty Plains, Parish.....	45	48	93	77	47	124	122	95	217
Concord, Parish.....	518	547	1,065	617	418	935	1,035	965	2,000
Liverpool, Town.....	163	170	333	165	139	294	318	309	627
Part of St. Luke's, Parish.....	217	211	428	524	171	695	741	382	1,123
Holsworthy, Parish.....	68	63	131	68	41	109	136	104	240
Minto, Parish (part).....	53	46	99	48	38	86	101	84	185
Southerland, Parish.....	22	21	43	36	17	53	58	38	96
Wattamolla, Parish.....	3	8	11	3	1	4	6	9	15
Cabramatta, Parish.....	61	46	107	67	43	110	128	89	217
Banks Town, Parish.....	53	61	114	56	39	95	109	100	209
	3,999	4,007	8,006	4,506	3,246	7,752	8,505	7,253	15,758

POLICE DISTRICTS.

	MINORS.			ADULTS.			PERSONS.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
PATERSON,—Police District.									
Paterson, Village	70	97	167	86	56	142	156	153	309
Part of County Hunter	611	624	1,235	486	369	855	1,097	993	2,090
	681	721	1,402	572	425	997	1,253	1,146	2,399
PATRICK'S PLAINS,—Police District.									
Singleton, Village	174	244	418	182	139	321	356	383	739
Part of County Durham	307	303	610	321	170	491	628	473	1,101
Part of County Northumberland	282	320	602	265	190	475	567	510	1,077
Part of County Hunter	157	129	286	135	81	216	292	210	502
	920	996	1,916	923	580	1,503	1,843	1,576	3,419
PENRITH,—Police District.									
Rooty Hill, Parish	32	23	55	34	24	58	66	47	113
Claremont, Parish	104	103	207	89	62	151	193	165	358
Emu, Village (in County Cook)	39	35	74	25	26	51	64	61	125
Bringelly, Parish	122	126	248	111	76	187	233	202	435
St. Mary's, Village	65	52	117	48	33	81	113	85	198
Londonderry, Parish (part)	70	73	143	67	48	115	137	121	258
Part of County Cook	128	146	274	181	86	267	309	232	541
Melville, Parish	138	126	264	148	97	245	286	233	509
South part of Penrith, Village	60	79	139	63	56	119	123	135	258
Part of Mulgoa, Parish	161	161	322	167	121	288	328	232	610
Part of Castlereagh, Parish	333	311	644	282	214	496	615	525	1,140
North part of Penrith, Village	49	79	128	80	51	131	129	130	259
	1,301	1,314	2,615	1,295	894	2,189	2,596	2,208	4,804
PORT MACQUARIE,—Police District.									
Port Macquarie	114	153	267	127	101	228	241	254	495
Main part of County Macquarie	424	396	820	486	268	754	910	664	1,574
Wingham, Village	3	14	17	11	3	14	14	17	31
Tinonee, Village	14	21	35	28	11	39	42	32	74
North-east corner of County Gloucester	128	128	256	132	90	222	260	218	478
	683	712	1,395	784	473	1,257	1,467	1,185	2,652
PORT STEPHENS,—Police District.									
Stroud, Village	90	109	199	100	69	169	190	178	368
Part of County Gloucester	217	192	409	296	149	445	513	341	854
	307	301	608	396	218	614	703	519	1,222
QUEANBEYAN,—Police District.									
Bungendore, Village	36	47	83	45	26	71	81	73	154
Village of Queanbeyan	137	142	279	132	93	225	269	235	504
Part of County Murray	527	423	950	556	301	857	1,083	724	1,807
Part of the Morumbidgee Pastoral District	49	43	92	47	18	65	96	61	157
	749	655	1,404	780	438	1,218	1,529	1,093	2,622
RAYMOND TERRACE,—Police District.									
Raymond Terrace, Village	139	159	298	130	123	253	269	282	551
Hexham, Village	43	22	65	35	22	57	78	44	122
Part of County Durham	294	248	542	222	171	393	516	419	935
Part of County Gloucester	359	367	726	317	217	534	676	584	1,260
Part of County Northumberland	343	332	675	266	198	464	609	530	1,139
	1,178	1,128	2,306	970	731	1,701	2,148	1,859	4,007
RYLSTONE,—Police District.									
Part of County Cook	2	2	4	3	1	4	5	3	8
Part of County Hunter	6	5	11	7	4	11	13	9	22
Part of County Phillip	117	125	242	122	58	180	239	183	422
Part of County Roxburgh	138	137	275	192	78	270	330	215	545
	263	269	532	324	141	465	587	410	997
SCONE,—Police District.									
Aberdeen, Village	12	23	35	23	13	36	35	36	71
St. Aubin's, Village	26	24	50	44	20	64	70	44	114
Scone, Village	57	64	121	71	52	123	128	116	244
Part of County Brisbane	164	134	298	204	90	294	368	224	592
Part of County Durham	25	28	53	15	11	26	40	39	79
	284	273	557	357	186	543	641	459	1,100
SHOALHAVEN,—Police District.									
Part of Hawarra	336	312	648	318	192	510	654	504	1,158
Part of County St. Vincent	570	562	1,132	619	413	1,032	1,189	975	2,164
	906	874	1,780	937	605	1,542	1,843	1,479	3,322
SURAT,—Police District.									
Part of Maranoa, Pastoral District	17	14	31	71	8	79	88	22	110
Part of Darling Downs, Pastoral District	72	47	119	144	42	186	216	89	305
	89	61	150	215	50	265	304	111	415

POLICE DISTRICTS.

	MINORS.			ADULTS.			PERSONS.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
SYDNEY.—Police District.									
Gipps Ward	1,527	1,877	3,404	2,247	1,793	4,040	3,774	3,670	7,444
North part of Brisbane Ward	700	871	1,571	1,038	788	1,826	1,788	1,659	3,447
South part of ditto	729	841	1,570	1,104	810	1,914	1,833	1,651	3,484
North West part of Bourke Ward	122	178	300	206	151	357	328	329	657
Main part of ditto	907	1,237	2,144	1,342	1,272	2,614	2,349	2,509	4,758
North West part of Phillip Ward and Pymont	1,683	1,895	3,578	1,792	1,619	3,411	3,475	3,514	6,989
South East part of Phillip Ward, east of Botany Road	675	800	1,475	728	753	1,481	1,403	1,553	2,956
South West part of ditto, from Botany Road to Blackwattle Swamp and Creek	594	623	1,217	592	555	1,147	1,186	1,178	2,364
Phillip Ward, west of the Swamp and Creek	207	246	453	239	210	449	446	456	902
Northern half of Macquarie Ward	583	628	1,211	796	573	1,369	1,379	1,201	2,580
Southern half of same	618	675	1,293	634	616	1,250	1,252	1,291	2,543
North West corner of Cook Ward	266	285	551	248	281	529	514	566	1,080
Main part of same	3,161	3,788	6,949	3,535	3,667	7,202	6,699	7,455	14,154
Total of the City	11,772	13,944	25,716	14,554	13,088	27,642	26,326	27,032	53,358
Balmain, Electoral Hamlet	523	691	1,214	471	539	1,010	994	1,230	2,224
Camperdown, Electoral Hamlet	227	262	489	195	188	383	422	450	872
Canterbury, Village	115	102	217	80	93	173	195	195	390
Chippendale, Electoral Hamlet	226	207	433	205	191	396	431	398	829
Glebe, Electoral Hamlet	784	853	1,637	729	741	1,470	1,513	1,594	3,107
Newtown	358	394	752	393	370	763	751	764	1,515
O'Connell Town, Electoral Hamlet	234	298	532	249	239	488	483	537	1,020
Paddington, Electoral Hamlet	708	738	1,446	541	655	1,196	1,249	1,393	2,642
Redfern, Electoral Hamlet	562	633	1,195	533	548	1,081	1,095	1,181	2,276
St. Leonard's, Electoral Hamlet	104	130	234	136	94	230	240	224	464
Surry Hills, Electoral Hamlet	112	129	241	120	115	235	232	244	476
Parts of Alexandria, Parish	524	551	1,075	598	514	1,112	1,122	1,065	2,187
Botany, Parish	163	174	337	210	143	353	373	317	690
Parts of Petersham, Parish	723	677	1,400	729	602	1,331	1,452	1,279	2,731
St. George, Parish	374	346	720	350	249	599	724	595	1,319
Part of Willoughby, Parish	322	365	687	372	345	717	694	710	1,404
Gordon, Parish	106	98	204	136	75	211	242	173	415
Manly Cove, Parish	43	53	96	62	40	102	105	93	198
Narrabeen, Parish	7	10	17	8	5	13	15	15	30
Broken Bay, Parish	18	17	35	30	15	45	48	32	80
Cockatoo Island (in the parish of Petersham)	37	26	63	417	18	435	454	44	498
Military in Victoria Barracks, & Guards	133	102	235	522	99	621	655	201	856
Total	18,175	20,800	38,975	21,640	18,966	40,606	39,815	39,766	79,581
TABULAM OR CASINO.—Police District.									
Northern half of the Clarence Pastoral District	306	269	575	513	195	708	819	464	1,283
TAMWORTH.—Police District.									
Tamworth, Village	88	120	208	159	81	240	247	201	448
Eastern half of Liverpool Plains Pastoral District	559	397	956	1,255	326	1,581	1,814	723	2,537
Total	647	517	1,164	1,414	407	1,821	2,061	924	2,955
TENTERFIELD.—Police District.									
Tenterfield, Village	30	31	61	50	22	72	80	53	133
Western excrecence of the Clarence Pastoral District	1	3	4	2	1	3	3	4	7
South-eastern part of Darling Downs ..	18	31	49	74	23	97	92	54	146
North-eastern corner of New England ..	84	58	142	196	51	247	280	109	389
Total	133	123	256	322	97	419	455	220	675
TUMUT.—Police District.									
Tumut, Village	72	62	134	81	41	122	153	103	256
Part of the Morumbidgee Pastoral District	288	241	529	540	142	682	828	383	1,211
Total	360	303	663	621	183	804	981	486	1,467
WAGGA WAGGA.—Police District.									
Wagga Wagga North, Village	27	25	52	33	16	49	60	41	101
Wagga Wagga South, Village	75	46	121	77	37	114	152	83	235
Part of the Lachlan Pastoral District ..	86	69	155	191	38	229	277	107	384
Part of the Morumbidgee Pastoral District	147	137	284	336	76	412	483	213	696
Total	335	277	612	637	167	804	972	444	1,416

POLICE DISTRICTS.

	MINORS.			ADULTS.			PERSONS.		
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.
WARIALDA ,—Police District.									
Warialda, Village	7	20	27	30	8	38	37	28	65
Gwydir, Pastoral District	239	129	368	474	104	578	713	233	946
South portion of Darling Downs Pastoral District	6	3	9	17	3	20	23	6	29
	252	152	404	521	115	636	773	267	1,040
WARWICK ,—Police District.									
Village	108	123	231	161	80	241	269	203	472
South-eastern part of Darling Downs ..	148	145	293	465	132	597	613	277	890
	256	268	524	626	212	838	882	480	1,362
WEE WAA ,—Police District.									
West part of Liverpool Plains Pastoral District	68	59	127	163	38	201	231	97	328
North part of Bligh Pastoral District ..	3	1	4	40	2	42	43	3	46
	71	60	131	203	40	243	274	100	374
WELLINGROVE ,—Police District.									
Wellingrove, Village	22	15	37	24	10	34	46	25	71
Part of New England Pastoral District ..	222	210	432	432	156	588	654	366	1,020
	244	225	469	456	166	622	700	391	1,091
WELLINGTON ,—Police District.									
Village of Wellington	54	62	116	73	39	112	127	101	228
South-west corner of Bligh, County	27	44	71	66	25	91	93	69	162
Portion of Wellington, County	306	272	578	802	223	1,025	1,108	495	1,603
	387	378	765	941	287	1,228	1,328	665	1,993
WINDSOR ,—Police District.									
Nelson, Parish	76	84	160	63	53	116	139	137	276
Frederick, Parish	29	27	56	23	17	40	52	44	96
Coruela, Parish	88	63	151	68	62	130	156	115	271
Maroota, Parish	45	49	94	45	25	70	90	74	164
Pitt Town, Parish	226	229	455	189	163	352	415	392	807
Gidley, Parish	58	54	112	53	34	87	111	88	199
South part of County Hunter	86	73	159	64	44	108	150	117	267
Part of County Cook	667	716	1,383	558	387	945	1,225	1,103	2,328
Windsor, Town	459	498	957	448	376	824	907	874	1,781
Remainder of St. Matthew's, Parish	156	143	299	147	97	244	303	240	543
Richmond, Village	249	262	511	203	166	369	452	428	880
Remainder of Ham Common, Parish ..	241	257	498	194	127	321	435	384	819
	2,380	2,455	4,835	2,055	1,541	3,596	4,435	3,996	8,431
WOLLOMBI ,—Police District.									
Wollombi, Village	40	62	102	45	29	74	85	91	176
Rest of the Wollombi country (in Northumberland County)	417	350	767	318	228	546	765	578	1,343
	457	412	869	393	257	650	850	669	1,519
WOLLONGONG ,—Police District.									
Wollongong, Town	213	240	453	214	197	411	427	437	864
Part of Southend, Parish (in County Cumberland, near Bulli)	11	23	34	17	14	31	28	37	65
North part of Illawarra	1,020	1,061	2,081	824	672	1,496	1,844	1,733	3,577
	1,244	1,324	2,568	1,055	883	1,938	2,299	2,207	4,506
YASS ,—Police District.									
Yass, North, in County King	5	4	9	4	3	7	9	7	16
Yass, South, in County Murray	175	181	356	182	122	304	357	303	660
South portion of County King	714	715	1,429	717	411	1,128	1,431	1,126	2,557
Gunning, Village	38	35	73	31	21	52	69	56	125
North-west part of County Murray	158	144	302	157	94	251	315	238	553
Part of the Morumbidgee Pastoral District	20	24	44	28	11	39	48	35	83
Part of the Lachlan Pastoral District ..	29	24	53	35	17	52	64	41	105
	1,139	1,127	2,266	1,164	679	1,843	2,293	1,806	4,099
Leichhardt , Pastoral District	64	38	102	200	26	226	264	64	328
Gladstone	31	39	70	121	33	154	152	72	224
Port Curtis , Pastoral parts	9	6	15	44	4	48	53	10	63
	40	45	85	165	37	202	205	82	287
TOTAL OF THE COLONY	66,071	67,863	133,934	81,020	61,235	132,255	147,091	119,098	266,189

STATEMENTS

EXPLANATORY OF THE

PROPOSED DIVISION OF ELECTORAL DISTRICTS,

SHEWING THE VARIOUS DISTRICTS—

THE POPULATION—AND

THE NUMBER OF MEMBERS.

Ordered by the Legislative Assembly to be Printed, 8 April, 1858.

No. 1.

*THE Division of Electoral Districts, explanatory of Clause 4 of the Bill,
"To Amend the Electoral Law," 21 Victoria, 1858, shewing the
Population and Number of Members proposed for each Electoral
District.*

Electoral Districts.	Police Districts, and Parts of Police Districts comprising such Electoral Districts respectively.	Popu-lation.	No. of Members.
Argyle.....	The Police District of Goulburn	7,028	2
Bathurst	{ The portion of the Police District of Bathurst included in the Town of Bathurst	3,249	1
Bogan, The	The Police Districts of Dubbo and Molong.....	3,072	1
Brisbane	{ The portion of the Police District of Brisbane included in the Town of Brisbane	2,980	1
Burnett, The	The Police Districts of Gayndah, Maryborough, Leichhardt, and Gladstone.....	2,593	1
Camden, West.....	{ The Police District of Berrima, and that portion of the Police District of Camden, Narellan, and Picton not included in the County of Cumberland	6,434	2
Canterbury	{ The portion of the Metropolitan Police District south of Port Jackson and of the Parramatta Road, and not included in the Hamlets	5,000	1
Carcoar	The Police District of Carcoar.....	2,943	1
Clarence, The	{ The Police Districts of Grafton, Tabulam, and Ten-terfield	3,027	1
Cowpasture, The	{ The Police District of Campbelltown, with that portion of the Police District of Camden, Narellan, and Picton, included in the County of Cumberland	3,620	1
Cudgegong, The	The Police District of Mudgee.....	4,208	1
Cumberland, Central	{ The portion of the Police District of Parramatta and Liverpool not included in the Towns of Parra-matta and Liverpool	9,702	2
Darling Downs, The...	{ The Police Districts of Warwick, Drayton, Dalby, and Condamine.....	3,912	1
Glebe, The	{ The portion of the Metropolitan Police District included in the Hamlets of The Glebe and Bal-main	5,331	1
Gwydir, The	The Police Districts of Wellingrove, Warialda, and Wee Waa	2,505	1
Hartley	The Police Districts of Hartley and Rylstone.....	3,270	1
Hastings, The	{ The Police Districts of The M'Leay River, Port Macquarie, and The Manning	3,614	1
Hawkesbury, The ...	{ The Police District of The M'Donald River, and so much of the Police District of Windsor as is not included in the Towns of Windsor and Richmond	6,493	2
Hunter, The	{ The portion of the Police District of Maitland not included in the Towns of East and West Maitland and Morpeth	7,722	2
Hunter, The Upper...	{ The Police Districts of Merton and Muswellbrook, Scone, Cassilis, and that portion of the Police Dis-trict of Murrurundi south east of the Liverpool Range.....	3,810	1
Hunter, The Lower...	The Police District of Raymond Terrace.....	4,007	1
Illawarra	The Police District of Wollongong	4,506	1
Ipswich	{ The portion of the Police District of Ipswich in-cluded in the Town of Ipswich.....	2,459	1
Kiama	The Police District of Kiama	3,883	1
Lachlan, The	The Police Districts of Binalong and Wagga Wagga..	3,300	1
Liverpool Plains	{ The Police District of Tamworth and that portion of the Police District of Murrurundi North West of the Liverpool Range	2,985	1
Maitland, East.....	{ The portion of the Police District of Maitland in-cluded in the Towns of East Maitland and Mor-peth	3,127	1
Maitland, West	{ The portion of the Police District of Maitland included in the Town of West Maitland	4,441	1
Monaro	The Police Districts of Cooma, Bombala, and Eden	4,533	1
Moreton, East	{ The portion of the Police District of Brisbane not included in the Town of Brisbane	2,864	1
Moreton West.....	{ The portion of the Police District of Ipswich not included in the Town of Ipswich.....	2,099	1
Murray, The Lower...	{ The Police Districts of Balranald, Moulamein, Deniliquin, and Moama	1,718	1
Murray, The Upper...	The Police District of Albury	2,015	1
Murrumbidgee, The...	The Police Districts of Gundagai and Tumut	2,433	1
Nepean, The	The Police District of Penrith	4,804	1
Newcastle.....	The Police District of Newcastle	4,530	1
New England	The Police District of Armidale	3,895	1
	Carried over.....	148,112	42

Electoral Districts.	Police Districts and Parts of Police Districts comprising such Electoral Districts respectively.	Population	No. of Members.
	Brought over.....	148,112	42
Newtown	{ The portion of the Metropolitan Police District included in the Hamlets of Newtown, O'Connell Town, Camperdown, and Chippendale.	4,553	1
Paddington	{ The portion of the Metropolitan Police District included in the Hamlets of Paddington, Surry Hills, and Redfern	5,394	1
Parramatta	{ The portion of the Police District of Parramatta and Liverpool included in the Towns of Parramatta and Liverpool	6,056	2
Paterson, The	The Police District of Paterson	2,399	1
Patrick's Plains	The Police District of Patrick's Plains	3,419	1
Queanbeyan, The.....	The Police District of Queanbeyan	2,622	1
St. Leonard's	{ The portion of the Metropolitan Police District north of Port Jackson and of the Parramatta Road, and not included in the Glebe and Balmain Hamlets ...	5,945	1
St. Vincent	The Police Districts of Braidwood and Broulee	4,252	1
Shoalhaven	The Police District of Shoalhaven	3,322	1
Sydney, North-east ...	{ The portions of the Police District of Sydney included in Bourke and Macquarie Wards	10,538	2
Sydney, North-west...	{ The portions of the Police District of Sydney included in Gipps and Brisbane Wards	14,375	2
Sydney, South-east ...	{ The portions of the Police District of Sydney included in Cook and Fitzroy Wards	15,234	3
Sydney, South-west...	{ The portions of the Police District of Sydney included in Phillip and Denison Wards	13,211	2
Turon, The	{ The portion of the Police District of Bathurst not included in the Town of Bathurst	3,756	2
Wellington	The Police Districts of Orange and Wellington	4,034	1
Williams, The.....	The Police Districts of Dungog and Port Stephens ..	3,804	1
Windsor	{ The portion of the Police District of Windsor included in the Towns of Windsor and Richmond...}	2,661	1
Wollombi, The.....	The Police Districts of Gosford and Wollombi.....	3,403	1
Yass Plains	The Police District of Yass	4,099	1
	Total.....	266,189	68

No. 2.

SHOWING the Division of the Colony into Districts, with their Population and number of Members proposed.

Name of Electorate.	Name of Police District.	Population.	Totals.	Number of Members.
	SOUTHERN DISTRICTS.			
Argyle	Goulburn.....	.....	7,028	2
Camden, West	Camden and Picton.....	4,207	} 6,434	2
	Berrima.....	2,227		
Central Cumberland	Parramatta and Liverpool (the remainder of the District not included in the Towns of Parramatta and Liverpool) .....	.....	9,702	2
Cowpasture, The ...	Campbelltown.....	2,904	} 3,620	1
	Narellan.....	716		
Illawarra	Wollongong.....	.....	4,506	1
Kiama	Kiama .....	.....	3,883	1
Lachlan, The	Binalong.....	1,884	} 3,300	1
	Wagga Wagga.....	1,416		
Monaro, The	Cooma.....	2,009	} 4,533	1
	Bombala.....	1,273		
Murray, The Upper...	Eden.....	1,251	} 2,015	1
	Albury.....	.....	
Murray, The Lower	Deniliquin and Moama.....	725	} 1,718	1
	Moulamein.....	299		
	Balranald.....	694		
Murrumbidgee, The	Gundagai.....	966	} 2,433	1
	Tumut.....	1,467		
Queanbeyan, The	Queanbeyan.....	.....	2,622	1
Shoalhaven	Shoalhaven.....	.....	3,322	1
St. Vincent	Braidwood.....	3,045	} 4,252	1
	Broulee.....	1,207		
Yass Plains	Yass.....	.....	4,099	1
			63,467	18
	1 Member to 3,526 of Population.			

Name of Electorate.	Name of Police District.	Population.	Totals.	Number of Members.
MIDDLE DISTRICTS.				
Bogan, The	Dubbo	1,626	} 3,072	1
	Molong	1,446		
Carcoar	Carcoar .....	.....	2,943	1
Cudgegong, The	Mudgee .....	.....	4,208	1
Hartley	Hartley	2,273	} 3,270	1
	Rylstone	997		
Hawkesbury, The...	Windsor, and	5,770	} 6,493	2
	McDonald River	723		
Hunter, The	Maitland, Remainder of Police District .....	.....	7,722	2
Hunter, The Lower	Raymond Terrace .....	.....	4,007	1
	Merton and Muswellbrook	1,028	} 3,810	1
Hunter, The Upper	Scone	1,100		
	Murrurundi, part of	921		
	Cassillis	761		
Nepcan, The	Penrith .....	.....	4,804	1
Newcastle	Newcastle .....	.....	4,530	1
Paterson, The	Paterson .....	.....	2,399	1
Patrick's Plains	Patrick's Plains .....	.....	3,419	1
Turon, The	Bathurst .....	.....	8,756	2
	Orange	2,041	} 4,034	1
Wellington	Wellington	1,993		
	Dungog	2,582	} 3,804	1
Williams, The	Port Stephens	1,222		
	Gosford	1,884	} 3,403	1
Wollombi, The.....	Wollombi	1,519		
1 Member to 3,719 of Population.			70,674	19
NORTHERN DISTRICTS.				
	Gayndah	1,309	} 2,593	1
Burnett, The	Maryborough	669		
	Leichhardt	328		
	Gladstone	287		
	Grafton	1,069	} 3,027	1
Clarence, The	Tabulam	1,283		
	Tenterfield	675		
	Warwick	1,362		
	Drayton	1,457	} 3,912	1
Darling Downs, The	Dalby	678		
	Condamine or Surat	415		
	Wellingrove	1,091		
	Warialda	1,040	} 2,505	1
Gwydir, The	Wee Waa	374		
	Port Macquarie and Manning	2,652	} 3,614	1
Hastings, The	Macleay River	962		
Liverpool Plains	Tamworth .....	.....	2,985	1
Moreton, East	Brisbane (Remainder of Police District not included in the Town) .....	.....	2,864	1
Moreton, West.....	Ipswich (Ditto) .....	.....	2,099	1
New England	Armidale .....	.....	3,895	1
1 Member to 3,055 of Population.			27,494	9

Name of Electorate.	Name of Police District.	Population.	Totals.	Number of Members.
SYDNEY POLICE DISTRICT.				
(NOT INCLUDED IN HAMLETS.)				
St. Leonard's	Northern Division, including St. Leonard's .....	.....	5,945	1
Canterbury	Southern Division, including Canterbury .....	.....	5,000	1
1 Member to 5,472 of Population.			10,945	2
CITY OF SYDNEY.				
North-west Sydney ...	Gipps and Brisbane Wards .....	.....	14,375	2
North-east Sydney ...	Bourke and Macquarie Wards.....	.....	10,538	2
South-west Sydney ...	Phillip and Denison Wards .....	.....	13,211	2
South-east Sydney ...	Cook and Fitz Roy Wards .....	.....	15,234	3
1 Member to 5,928 of Population.			53,358	9
HAMLETS.				
Paddington	Paddington	2,642	5,394	1
	Surry Hills	476		
	Redfern.....	2,276		
The Glebe	Glebe	3,107	5,331	1
	Balmain	2,224		
Newtown	Chippendale	829	4,553	1
	Newtown	* 1,832		
	O'Connell Town	1,020		
	Camperdown.....	872		
1 Member to 5,093 of Population.			15,278	3
TOWNS.				
Bathurst	Bathurst .....	.....	3,249	1
Brisbane	Brisbane .....	.....	2,980	1
Ipswich	Ipswich.....	.....	2,459	1
Maitland, East.....	East Maitland	1,655	3,127	1
	Morpeth	1,472		
Maitland, West	West Maitland.....	.....	4,441	1
Parramatta	Parramatta and Liverpool Towns .....	.....	6,056	2
Windsor	Windsor and Richmond .....	.....	2,661	1
1 Member to 3,121 of Population.			24,973	8
RECAPITULATION.				
Southern Districts, 15 Electorates, 1 to 3,526 of Population			63,467	18
Middle " 16 " 1 to 3,719 "			70,674	19
Northern " 9 " 1 to 3,055 "			27,494	9
Metropolitan " 2 " 1 to 5,472 "			10,945	2
City of Sydney, 4 " 1 to 5,928 "			53,358	9
Hamlets, 3 " 1 to 5,093 "			15,278	3
Towns, 7 " 1 to 3,121 "			24,973	8
56 Total.			266,189	68
1 Member to 3,914 of Population.				

* Newtown, as per Census.....	1,515
Estimated addition	317
	<u>1,832</u>

**COMPARATIVE REPRESENTATION OF ELECTORATES IN THE
SQUATTING AND SETTLED DISTRICTS.**

Electorate.	Police District.	Population.	Total.	Number of Members.
The Upper Murray ...	Albury .....	.....	2,015	1
The Lower Murray {	Deniliquin and Moama	725	} 1,718	1
	Moulamein	299		
	Balranald	694		
The Murrumbidgee {	Gundagai	966	} 2,433	1
	Tumut	1,467		
The Monaro..... {	Cooma	2,009	} 4,533	1
	Bombala	1,273		
	Eden.....	1,251		
The Lachlan {	Binalong	1,884	} 3,300	1
	Wagga Wagga.....	1,416		
The Bogan {	Dubbo	1,626	} 3,072	1
	Molong.....	1,446		
The Gwydir..... {	Wellingrove	1,091	} 2,505	1
	Warialda	1,040		
	Wee Waa.....	374		
Liverpool Plains	Tamworth.....	.....	2,985	1
New England	Armidale .....	.....	3,895	1
The Clarence {	Grafton.....	1,069	} 3,027	1
	Tabulam	1,283		
	Tenterfield	675		
The Darling Downs {	Warwick	1,362	} 3,912	1
	Drayton	1,457		
	Dalby	678		
	Condamine	415		
The Burnett..... {	Gayndah	1,309	} 2,593	1
	Maryborough	669		
	Leichhardt	328		
	Gladstone.....	287		
12 SQUATTING DIS- TRICTS.	1 Member to 3,000 of Population.		35,988	12
St. Vincent { (sq.)	Braidwood	3,045	} 4,252	1
	Broulee.....	1,207		
Yass Plains	Yass .....	.....	4,099	1
Wellington { (sq.)	Orange	2,041	} 4,034	1
	Wellington ..	1,993		
The Hastings { (sq.)	Port Macquarie, &c.....	2,652	} 3,614	1
	M'Leay River	962		
Moreton, East	Brisbane .....	.....	2,864	1
Moreton, West.....	Ipswich.....	.....	2,099	1
6 ELECTORATES, partly Squatting, partly Settled.	1 Member to 3,490 of Population.		20,962	6

Electoralates.	Police District.	Population.	Total.	Number of Members.	
SETTLED DISTRICTS.					
Argyle	Goulburn .....	.....	7,028	2
Camden, West	Camden and Picton	4,207	6,434	2	
	Berrima	2,227			
Carcoar	Carcoar .....	.....	2,943	1
The Cowpasture ...	Campbelltown	2,904	3,620	1	
	Narellan, &c.	716			
The Cudgegong	Mudgee .....	.....	4,208	1
Hartley	Hartley	2,273	3,270	1	
	Rylstone	997			
The Hawkesbury ...	Windsor	5,770	6,493	2	
	McDonald River	723			
The Hunter	Maitland .....	.....	7,722	2
The Lower Hunter ...	Raymond Terrace .....	.....	4,007	1
The Upper Hunter	Merton and Muswellbrook	1,028	3,810	1	
	Scone	1,100			
	Murrurundi	921			
	Cassilis	761			
Illawarra	Wollongong .....	.....	4,506	1
Kiama	Kiama .....	.....	3,883	1
The Nepean	Penrith .....	.....	4,804	1
Newcastle	Newcastle .....	.....	4,530	1
The Paterson	Paterson .....	.....	2,399	1
Patrick's Plains	Patrick's Plains .....	.....	3,419	1
The Queanbeyan	Queanbeyan .....	.....	2,622	1
Shoalhaven	Shoalhaven .....	.....	3,322	1
The Turon	Bathurst .....	.....	8,756	2
The Williams	Dungog	2,582	3,804	1	
	Port Stephens	1,222			
The Wollombi	Gosford	1,884	3,403	1	
	Wollombi	1,519			
Central Cumberland...	Parramatta .....	.....	9,702	2
" 22 Electoralates."	1 Member to 3,739 of Population.		104,685	28	
City of Sydney, 4 Electoralates 1 to 5,928 of Population			53,358	9	
Metropolitan, 2 " 1 to 5,472 "			10,945	2	
Hamlets, 3 " 1 to 5,093 "			15,278	3	
Settled, 22 " 1 to 3,739 "			104,685	28	
Mixed, 6 " 1 to 3,490 "			20,962	6	
Towns, 7 " 1 to 3,121 "			24,973	8	
Squatting, 12 " 1 to 3,000 "			35,988	12	
56 Electoralates.			Totals.....	266,189	68

1858.

Legislative Assembly.

NEW SOUTH WALES.

ELECTORAL DISTRICTS.

(COMPARATIVE RETURN OF POPULATION IN.)

Ordered by the Legislative Assembly to be Printed, 1 September, 1858.

ELECTORAL DISTRICTS.

COMPARATIVE Return of the population in the Southern, Middle, Northern, and Metropolitan Electoral Districts of the Colony.

ELECTORAL DISTRICTS.	TOTALS.	Number of Members.
SOUTHERN DISTRICTS.		
Argyle	4,528	1
Balranald	694	1
Braidwood	3,045	1
Camden	6,434	2
Central Cumberland	6,974	2
Eden	2,458	1
The Hume	2,015	1
Illawarra	4,506	1
Kiama	3,883	1
The Lachlan	3,141	1
Monaro... ..	3,282	1
The Murray	1,024	1
The Murrumbidgee	1,852	1
Narellan	3,620	1
Queanbeyan	2,622	1
Shoalhaven	3,322	1
Tumut	1,997	1
Yass Plains	3,241	1
18 DISTRICTS.—1 Member to 2,932 persons.	58,638	20
MIDDLE DISTRICTS.		
The Bogan	2,800	1
Carcoar... ..	2,544	1
Hartley	3,348	1
The Hawkesbury	6,493	2
The Hunter	3,616	1
The Lower Hunter	4,007	1
The Upper Hunter	3,810	1
East Maitland	3,617	1
Morpeth	3,616	1
East Macquarie	6,000	2
West Macquarie	2,000	1
Mudgee	4,208	1
The Nepean	4,804	1
Northumberland	2,130	1
Orange... ..	2,041	1
The Paterson	2,399	1
Patrick's Plains	3,419	1
Wellington	2,265	1
The Williams	3,804	1
Wollombi	3,403	1
20 DISTRICTS.—1 Member to 3,196 persons.	70,324	22
NORTHERN DISTRICTS.		
The Burnett	1,978	1
The Clarence	2,352	1
Darling Downs... ..	3,912	2
The Gwydir	1,414	1
The Hastings	3,614	1
Liverpool Plains	2,985	1
East Moreton	2,864	1
West do.	2,099	1
New England	3,895	1
Tenterfield	1,766	1
The Leichhardt	615	1
11 DISTRICTS.—1 Member to 2,291 persons.	27,494	12

4 COMPARATIVE RETURN OF POPULATION IN ELECTORAL DISTRICTS.

ELECTORAL DISTRICTS.							TOTALS.	Number of Members.
METROPOLITAN.								
Canterbury	...	...	...	...	...	...	9,600	2
The Glebe	...	...	...	...	...	...	3,500	1
St. Leonard's	...	...	...	...	...	...	3,946	1
Newtown	...	...	...	...	...	...	4,553	1
Paddington	...	...	...	...	...	...	5,979	1
5 DISTRICTS.—1 Member to 4,930 persons.							29,578	6
CITY OF SYDNEY.								
East Sydney	...	...	...	...	...	...	25,772	4
West Sydney	...	...	...	...	...	...	27,586	4
2 DISTRICTS.—1 Member to 6,670 persons.							53,358	8
TOWNS.								
Bathurst	...	...	...	...	...	...	3,927	1
Brisbane	...	...	...	...	...	...	2,980	1
Goulburn	...	...	...	...	...	...	2,500	1
Ipswich	...	...	...	...	...	...	2,459	1
West Maitland	...	...	...	...	...	...	4,441	1
Newcastle	...	...	...	...	...	...	2,400	1
Parramatta	...	...	...	...	...	...	5,429	2
Windsor	...	...	...	...	...	...	2,661	1
8 DISTRICTS.—1 Member to 2,977 persons.							26,797	9
RECAPITULATION.								
18 SOUTHERN DISTRICTS.....	1 Member to 2,932	58,638	20					
20 MIDDLE Do.	1 " 3,196	70,324	22					
11 NORTHERN Do.	1 " 2,291	27,494	12					
5 METROPOLITAN Do.	1 " 4,930	29,578	6					
2 CITY OF SYDNEY	1 " 6,670	53,358	8					
8 TOWNS.....	1 " 2,977	26,797	9					
3 GOLD FIELDS	Unknown.		3					
GRAND TOTAL.....		266,189	80					
67 DISTRICTS.—1 Member to 3,327 persons.								

DISTRICTS.		Original Distribution.	As Passed.	Differences.		Additional Members.
Original Plan.	As Passed.					
Southern Districts... 15	18	1 Member to... 3,526	2,932	594		2
Middle do. ... 16	20	1 " ... 3,719	3,196	523		3
Northern do. ... 9	11	1 " ... 3,055	2,291	764		3
Metropolitan do. ... 5	5	1 " ... 5,245	4,930	315		1
City of Sydney 4	2	1 " ... 5,928	6,670	.....	742*	1
Towns 7	8	1 " ... 3,121	2,977	144		1
	3	Gold Fields .....		.....		3
	56					13
	67				*Less Sydney..	1
						12

COMPARATIVE Return of the population in the Squatting and Settled Electoral Districts of the Colony.

ELECTORAL DISTRICTS.	TOTALS.	Number of Members.
SQUATTING DISTRICTS.		
Balranald	694	...
The Bogan	2,800	1
The Burnett	1,978	1
The Clarence	2,352	1
Darling Downs... ..	3,912	2
The Gwydir	1,414	1
The Leichhardt	615	1
Liverpool Plains	2,985	1
Monaro... ..	3,282	1
The Hume	2,015	1
The Murray	1,024	1
The Murrumbidgee	1,852	1
New England	3,895	1
Tenterfield	1,766	1
The Tumut	1,997	1
15 DISTRICTS.—1 Member to 2,036 persons.	32,581	16
MIXED DISTRICTS.		
Eden	2,458	1
The Hastings	3,614	1
The Lachlan	3,141	1
East Moreton	2,864	1
West Moreton	2,099	1
Queanbeyan	2,622	1
Wellington	2,265	1
Yass Plains	3,241	1
8 DISTRICTS.—1 Member to 2,788 persons.	22,304	8
SETTLED DISTRICTS.		
Argyle... ..	4,528	1
Braidwood	3,045	1
Camden	6,434	2
Carcoar	2,544	1
Mudgee	4,208	1
Central Cumberland	6,974	2
Hartley	3,348	1
The Hawkesbury	6,493	2
The Hunter	3,616	1
The Upper Hunter	3,810	1
The Lower Hunter	4,007	1
Ilawarra	4,506	1
Kiama	3,883	1
East Maitland	3,617	1
Morpeth	3,616	1
East Macquarie	6,000	2
West Macquarie	2,000	1
Narellan	3,620	1
The Nepean	4,804	1
Northumberland	2,130	1
Orange... ..	2,041	1
Paterson	2,399	1
Patrick's Plains	3,419	1
Shoalhaven	3,322	1
The Williams	3,804	1
Wollombi	3,403	1
26 DISTRICTS.—1 Member to 3,386 persons.	101,571	30

6 COMPARATIVE RETURN OF POPULATION IN ELECTORAL DISTRICTS.

15 Squatting.....	1 Member to	2,036	32,581	16
8 Mixed	1 " "	2,788	22,304	8
26 Settled	1 " "	3,386	101,571	30
5 Metropolitan	1 " "	4,930	29,578	6
2 Sydney	1 " "	6,670	53,358	8
8 Towns	1 " "	2,977	26,797	9
3 Gold Fields	1 " " .....	.....	.....	3
67 DISTRICTS.		TOTAL.....		80
1 Member to 3,327 persons.				266,189

DISTRICTS.	ORIGINAL PLAN.	AS PASSED.	DIFFERENCE		ADDITIONAL MEMBERS.
	1 Member to	1 Member to			
12	Squatting..... 3,000	2,036	964		4
6	Mixed 3,490	2,788	702		2
22	Settled 3,739	3,386	353		2
5	Metropolitan .. 5,245	4,930	315		1
4	Sydney..... 5,928	6,670	.....	1less	
7	Towns 3,121	2,977	144	*742	1
	Gold Fields ... ..	.....	.....	... ..	3
56					13
	* Less Sydney				1
					12

1858.

—
Legislative Assembly.

NEW SOUTH WALES.

R E T U R N O F E L E C T O R S

IN

NEW SOUTH WALES,

FOR

1858-9.

Ordered by the Legislative Assembly to be Printed, 4 November, 1858.

RETURN OF ELECTORS FOR 1858-9.

ELECTORAL DISTRICT.	NAMES OF SUBDIVISIONS THEREOF.	NUMBER OF ELECTORS IN EACH DIVISION ENTITLED TO VOTE.						NUMBER OF ELECTORS IN EACH DIVISION.	TOTAL NUMBER OF ELECTORS.	
		As Freeholders.	As Householders.	As Leasholders.	As Pastoral Licensees.	As Recipients of Salaries.	As Lodgers.			For other Qualifications.
<i>Police Districts.</i>										
1. ARGYLE	Goulburn	499	71	136	..	16	5	..	727	727
2. BATHURST	Bathurst	170	14	257	..	3	444	804
	Carcoar	88	19	58	..	3	..	..	168
	Orange	95	22	60	..	15	..	..	192
3. CAMDEN, EAST	Kiama	311	49	404	..	3	4	..	771	1,960
	Shoalhaven	64	3	111	..	2	1	..	181	
	Wollongong	367	84	522	..	10	25	..	1,008	
4. CAMDEN, WEST	Berrima	192	28	150	..	6	4	..	380	1,075
	Camden, Narellan, and Picton..	191	127	335	..	4	1	1	659	
	Wollongong	23	..	13	..	..	..	..	36
5. COOK AND WESTMORELAND	Bathurst	122	18	60	11	..	201	1,078
	Camden, Narellan, and Picton..	20	..	4	..	..	..	..	24
	Hartley	245	12	89	..	1	2	..	349	
	Penrith	76	29	21	..	1	1	..	128	
	Windsor	257	67	45	..	..	..	..	369
6. CUMBERLAND, North Riding	Parramatta	473	183	171	..	5	16	..	848	2,622
	Penrith	151	135	81	..	4	2	..	373	
	Sydney	680	124	100	..	11	20	..	985	
	Windsor	243	105	115	..	3	..	..	466
7. CUMBERLAND, South Riding	Camden, Narellan, and Picton..	88	27	50	..	2	167	4,265
	Campbelltown	184	34	93	..	2	..	..	313
	Parramatta	318	158	120	..	29	17	..	642	
	Penrith	115	63	152	..	5	2	..	337	
	Sydney	1,696	410	547	..	63	73	..	2,789	
	Wollongong	14	..	6	..	..	..	..	20
8. DURHAM	Dungog	117	57	116	..	6	2	..	298	1,859
	Maitland	199	368	201	..	6	2	..	776	
	Merton, and Muswellbrook	61	78	..	..	2	..	..	131
	Murrurundi	7	4	..	..	..	..	..	11
	Paterson	83	152	51	..	6	2	..	294	
	Patrick's Plains	66	50	45	..	2	..	..	163
	Raymond Terrace	22	122	16	..	1	..	..	161
	Scone	13	12	..	..	..	..	..	25
9. GLOUCESTER AND MACQUARIE	Dungog	35	3	89	..	1	128	1,373
	M'Leay	34	5	8	..	..	..	..	47
	Manning	386	4	170	..	4	..	..	564
	Newcastle	8	3	9	..	1	2	..	23	
	Port Macquarie	86	41	18	..	1	2	..	148	
	Raymond Terrace	123	93	48	..	2	1	..	267	
10. KING AND GEORGIANA	Bathurst	34	6	16	56	824
	Binalong	151	11	35	..	..	..	..	197
	Carcoar	79	3	18	..	..	..	..	100
	Goulburn	85	..	11	..	1	..	..	97
	Hartley	24	..	1	..	..	..	..	25
	Yass	280	35	31	..	2	1	..	349	
11. MURRAY	Braidwood	45	..	18	63	419
	Queanbeyan	116	17	129	..	9	..	..	271
	Yass	54	10	20	..	1	..	..	85
12. NORTHUMBERLAND AND HUNTER	Brisbane Water	183	57	21	261	3,726
	M'Donald River	76	1	36	..	2	..	..	117
	Maitland	476	253	317	..	22	12	..	1,080	
	Merton, and Muswellbrook	14	10	3	..	..	..	..	27
	Newcastle	321	463	232	..	56	231	..	1,303	
	Raymond Terrace	71	123	21	..	..	..	..	215
	Rylestone	1	..	1	..	..	..	..	2
	Singleton	201	122	41	..	9	5	..	378	
	Windsor	39	5	12	..	..	..	..	56
Wollombi	180	11	97	..	1	..	..	289	
13. PHILIP, BRISBANE, AND Blich	Cassilis	38	12	6	56	528
	Mudgee	15	1	51	4	1	..	..	72
	Murrurundi	90	11	37	..	1	1	..	140	
	Merton and Muswellbrook	18	28	2	..	..	..	..	48
	Rylestone	27	..	13	..	..	..	..	40
	Scone	78	46	12	..	5	3	..	144	
	Wellington	17	3	5	3	..	..	..	28

RETURN OF ELECTORS FOR 1858-9.

ELECTORAL DISTRICT.	NAMES OF SUBDIVISIONS THEREOF.	NUMBER OF ELECTORS IN EACH DIVISION ENTITLED TO VOTE.						NUMBER OF ELECTORS IN EACH DIVISION.	TOTAL NUMBER OF ELECTORS.
		As Freeholders.	As Household-ers.	As Leaseholders.	As Pastoral Licensees.	As Recipients of Salaries.	As Lodgers.			For other Qualifications.
14. ROXBURGH	<i>Police Districts.</i>								
	Bathurst	205	434	155	..	9	22	..	825
	Rylestone	55	1	9	..	..	..	..	65
15. ST. VINCENT	Braidwood	101	8	47	..	1	2	..	159
	Broulee	39	7	56	..	..	..	..	102
	Sheolhaven	175	59	181	..	3	1	..	419
16. STANLEY	Brisbane	511	164	23	..	1	21	..	720
	Ipswich	336	322	46	21	49	9	15	798
17. WELLINGTON	Molong	5	10	4	..	..	1	..	20
	Mudgee	158	254	93	..	58	15	..	578
	Orange	90	13	10	4	..	..	..	117
	Wellington	79	156	13	3	3	17	..	271
18. MANEROO	Bombala	73	112	..	22	25	13	..	245
	Broulee	55	12	21	5	..	..	..	93
	Cooma	23	221	..	60	3	..	..	307
	Eden	153	42	29	6	15	..	1	246
19. MURRUMBIDGEE	Albury	256	113	14	76	59	16	..	534
	Deniliquin	36	15	..	34	34	..	..	119
	Gundagai	42	10	9	13	2	..	..	76
	Moulamein .....	..	4	..	16	25	..	..	45
	Queanbeyan .....	..	..	..	8	1	..	6	15
	Tumut	112	91	..	38	9	..	..	250
	Wagga Wagga	59	..	..	62	26	..	54	201
	Yass	4	..	4	7	..	..	..	15
20. LACHLAN AND LOWER DARLING	Balranald .....	..	12	..	79	21	..	..	112
	Binalong	47	28	1	173	20	..	80	349
	Gundagai	80	14	8	12	1	..	3	118
	Wagga Wagga	15	..	..	46	10	..	29	100
	Yass	15	1	..	4	..	..	..	20
21. WELLINGTON AND BLYTH	Dubbo	1	28	..	163	7	..	..	199
	Molong	33	12	1	61	10	..	..	117
	Wee Waa .....	..	11	..	15	3	..	..	29
	Wellington	19	1	1	3	..	..	..	24
22. LIVERPOOL PLAINS AND GWYDIR	Tamworth	97	161	3	62	64	18	2	407
	Warialda .....	..	89	..	77	1	6	..	173
	Wee Waa .....	..	61	..	49	15	..	..	125
	Murrurundi	10	6	7	4	6	..	..	33
23. NEW ENGLAND AND MACLEAY	Armidale	170	152	16	59	26	3	..	426
	M'Leay	56	6	6	9	2	..	..	79
	Tenterfield	2	31	..	11	..	..	..	44
	Wellingrove .....	..	61	..	22	1	..	1	85
24. CLARENCE AND DARLING DOWNS	Casino	1	122	..	21	7	..	..	151
	Drayton	136	39	3	19	29	2	..	228
	Grafton	206	50	..	23	..	..	..	279
	Tenterfield .....	..	..	..	3	..	..	..	3
	Wambo .....	..	20	..	14	3	..	..	37
	Warialda .....	..	4	..	8	..	..	..	12
	Warwick	90	20	..	17	10	..	..	137
25. MORETON, WIDE BAY, BURNETT, AND MARANOA	Brisbane .....	..	90	1	38	16	..	..	145
	Ipswich .....	..	..	..	..	..	..	..	..
	Gayndah	15	30	63	..	12	1	..	121
	Gladstone .....	..	..	8	..	..	..	..	8
	Maryborough	50	33	1	19	10	7	..	120
	Surat .....	..	..	..	34	..	..	..	34
26. SYDNEY	<i>Wards.</i>								
	Bourke	264	630	199	..	893	94	6	2,091
	Brisbane	313	808	160	..	325	184	71	1,861
	Cook	656	1155	80	..	1	66	1	1,959
	Denison	367	827	153	..	221	67	31	1,666
	Fitz Roy	914	635	36	..	38	63	1	1,687
	Gipps	448	654	71	..	76	203	21	1,473
	Macquarie	136	361	182	..	207	52	25	963
	Phillip	367	574	20	..	190	51	3	1,205
		<i>Hamlets.</i>							
27. SYDNEY HAMLETS	Balmain	336	277	14	..	8	46	..	681
	Camperdown	233	62	26	..	..	12	..	333
	Chippendale	90	52	73	..	..	3	..	218
	Glebe	261	325	326	..	17	42	..	971
	O'Connell Town	154	82	5	..	..	14	..	255
	Paddington	193	139	68	..	10	31	..	442
	Redfern	328	198	245	..	2	14	..	787
	St. Leonard's	152	118	83	..	..	23	..	376
	Surry Hills	49	29	8	..	..	8	..	94

RETURN OF ELECTORS FOR 1858-9.

ELECTORAL DISTRICT.	NAMES OF SUBDIVISIONS THEREOF.	NUMBER OF ELECTORS IN EACH DIVISION ENTITLED TO VOTE.							NUMBER OF ELECTORS IN EACH DIVISION.	TOTAL NUMBER OF ELECTORS.
		As Freeholders.	As Household-ers.	As Leaseholders.	As Pastoral Licensees.	As Recipients of Salaries.	As Lodgers.	For other Qualifications.		
	<i>Police Districts.</i>									
28. PARRAMATTA.....	Parramatta	482	393	40	..	26	45	11	997	997
	<i>Boroughs.</i>									
29. CUMBERLAND BOROUGHES	Campbelltown	78	45	5	128	807
	Liverpool	66	51	1	..	5	3	4	130	
	Pearith	13	38	51	..	..	..	..	114
	Richmond	66	98	..	..	3	3	1	171
	Windsor	119	140	..	..	2	2	1	264
30. WESTERN BOROUGHES	Bathurst	333	197	54	..	51	49	5	639	793
	Carcoar	28	14	2	..	1	..	..	45
	Kelso	24	19	7	..	7	1	1	59	
31. SOUTHERN BOROUGHES	Braidwood	44	22	5	..	3	..	1	75	688
	Goulburn	149	160	..	..	20	18	..	347
	Queanbeyan	52	26	..	..	4	..	..	82
	Yass	87	76	..	..	8	13	..	184
32. NORTHUMBERLAND BOROUGHES	East Maitland	198	129	8	..	46	28	..	409	1,810
	West Maitland	461	381	44	..	141	87	..	1,114	
	Morpeth	105	115	6	..	35	26	..	287	
33. NORTH-EASTERN BOROUGHES	Newcastle and Stockton	86	159	21	..	25	53	..	344	456
	Raymond Terrace	76	35	..	..	..	1	..	112
34. STANLEY BOROUGHES..	North Brisbane	270	187	2	..	106	54	8	627	1,838
	South Brisbane and Kangaroo Point	161	106	3	..	12	21	..	303	
	Ipswich	457	257	26	..	89	76	3	908	

1858.

Legislative Assembly.

NEW SOUTH WALES.

EXERCISE OF ELECTIVE FRANCHISE BY GOVERNMENT OFFICERS.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 13 April, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 26 March, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House :—

“ Copies of all Correspondence which may have taken place
“ between the Government (or any person acting by direction of
“ any Member of the Government) and any Government Officers
“ upon the subject of the exercise of the Elective Franchise, or
“ of the interference in Elections by such Government Officers—
“ especially of any Correspondence upon this matter between
“ the Sheriff of the Colony and the Sheriff’s Bailiff at Parramatta, or other person.”

EXERCISE OF ELECTIVE FRANCHISE BY GOVERNMENT OFFICERS.

No. 1.

THE SHERIFF to MR. JOHN BROWN.

*Sheriff's Office,**Sydney, 14 January, 1858.*

SIR,

Having been informed that you have been unduly using your official influence with regard to the forthcoming Elections, I have to request, if such be the case, that you will discontinue taking any public part in the Elections, it being desirable that Public Officers should not interfere in such matters. I do not wish to influence your exercising your undoubted right of voting for whom you please.

I am, &c.,

JOHN O'NEILL BRENAN,

Sheriff.

MR. JOHN BROWN,

Parramatta.

No. 2.

MR. JOHN BROWN to THE SHERIFF.

*Parramatta,**18 January, 1858.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 14th instant, intimating that you had been informed that I had been unduly exercising my judicial influence with regard to the forthcoming Elections, and desiring me, if such be the case, to discontinue taking any public part in the said Elections, it being desirable that Public Officers should not interfere in these matters.

As a very serious, though rather indefinite charge, has been brought against me, one which affects my character as a Public Officer of long standing and unblemished reputation, I humbly submit that, in justice to me, you ought to have furnished me with the name of your informant, that I might have an opportunity of refuting the charge. In the mean time, I hope it will be sufficient for me to state, that I do most emphatically deny the charge. I am not aware that I possess any official influence, nor if I had, should I feel myself justified in using it. As an old inhabitant of Parramatta, I cannot feel indifferent to the representation of my native town; and I must regard it (with all deference to you) as an unwarrantable interference with the liberty of the subject if I am to be restrained from the exercise of what I consider the inalienable prerogative of every Briton. It is true you do not forbid me to give my vote, but you restrain me from the exercise of any influence I may possess as a citizen. If the law absolutely requires this from men holding a similar position, I must of course submit to its decision; you will, however, permit me respectfully to observe, that my own impression was, as long as I faithfully discharged the duties of my office, I was at perfect liberty to use, *not my official influence*, but my influence as a citizen, to promote in any lawful manner, according to the best of my ability, my own interests and that of my fellow-citizens.

I have, &c.,

JOHN BROWN,

Bailiff.

THE HIGH SHERIFF,

&c., &c.,

Sydney.

1858.

Legislative Assembly.

NEW SOUTH WALES.

RETURNING OFFICER FOR WESTERN BOROUGHES.

(MEMORIALS AND CORRESPONDENCE RELATIVE TO CONDUCT OF.)

Ordered by the Legislative Assembly to be Printed, 1 June, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 27 April, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House :—

“ Copies of all Memorials addressed to the Governor General,
 “ of all Affidavits and Declarations, and of all Correspondence
 “ between His Excellency, or the Colonial Secretary, and Mr.
 “ Richard Machattie, Mr. S. B. Sergeant, and Mr. J. N.
 “ M‘Intosh, and other persons ; also of any Evidence and Reports
 “ in reference to the conduct of Mr. Richard Machattie, the
 “ Returning Officer for the Western Boroughs at the late
 “ General Election.”

SCHEDULE.

NO.	PAGE.
1. Returning Officer for the Western Boroughs to the Colonial Secretary, respecting the late election of a Member to serve in the Legislative Assembly. 1 February, 1858	3
2. Petition from certain Electors of the District of the Western Boroughs, and other inhabitants of the Western Districts generally, to the Governor General, praying the removal of the Returning Officer from his office	4
3. Under Secretary to Returning Officer, requesting his statement to the charges contained in the Petition. 2 March, 1858	4
4. Under Secretary to Petitioners. 2 March, 1858	5
5. Mr. S. B. Sergeant to the Colonial Secretary, forwarding a Petition from certain Electors of the Western Boroughs, and inhabitants of the District of Bathurst, bearing testimony to the dignified and impartial manner of the Returning Officer in the performance of his duty. 13 March, 1858	5
6. Returning Officer to Colonial Secretary, replying to the accusations contained in the Petition (2). 11 March, 1858	6
7. Under Secretary to Returning Officer, in reply. 16 March, 1858	10
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9. Under Secretary to Mr. M'Phillany. 16 March, 1858	10



RETURNING OFFICER FOR WESTERN BOROUGHS.

No. 1.

THE RETURNING OFFICER FOR THE WESTERN BOROUGHS to THE COLONIAL SECRETARY.

Bathurst, 1 February, 1858.

SIR,

I have the honor to forward herewith the Writ for the return of a Member for the Electoral Districts of the Western Boroughs, to serve in the Legislative Assembly of New South Wales, by which it will appear that Henry Rotton, Esquire, has been duly elected.

In forwarding this Writ, I regret to have to observe that a great deal of misconduct was evinced on the part of several of the electors. The polling-place was the Court House at Bathurst; and, for the purpose of accommodating both parties, I allotted one side of the Court House to the supporters of each candidate, and I allowed them to vote in tallies of five alternately. Everything went on quietly and orderly till about 2 o'clock, P. M., when Mr. Rotton obtained a decided lead in the poll; a scene of intimidation then took place towards Mr. Chs. Sutherland, which is set forth in a declaration handed to me this day, and forwarded herewith. In confirmation of the said declaration, I may state that the Poll Clerk took down the words of the said Mr. Sutherland at the moment he used them, on his voting paper,—to wit, that he "voted for Mr. Holroyd to save his life." The conduct of many of the supporters of Mr. Holroyd in the Court House became so violent that the proceedings of the Election were for some time interrupted, and I was obliged to call upon the Police Magistrate and the Chief Constable to clear the Court of the more violent of the parties, that order might be restored.

In conclusion, I beg leave to say that I understand that a petition is being got up by the friends of Mr. Holroyd, praying that an investigation may be had into my conduct as Returning Officer, and to assure you that I would cheerfully support such a petition, and that I court every inquiry, well knowing that party feeling only could have originated such a proceeding.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

RICHARD MACHATTIE,
Returning Officer.

[Enclosure in No. 1.]

I, Charles Sutherland, of Bathurst, in the Colony of New South Wales, storekeeper, do solemnly and sincerely declare, that on Thursday, the twenty-eighth day of January, one thousand eight hundred and fifty-eight, as I was proceeding to the polling-place for the electors of the Western Boroughs, in the Court House at Bathurst aforesaid, for the purpose of recording my vote in favor of one of the candidates, Henry Rotton, Esquire, I was forcibly seized upon by a great many of the supporters of the other candidate, Arthur Todd Holroyd, Esquire, the most prominent amongst whom was Richard Kinna, and was, after resistance on my part, dragged with great force and violence into the side of the Court House allotted for the voters of the said Arthur Todd Holroyd. I was almost strangled by the parties who dragged me into the said Court House—their hands having been placed on my throat, and I believe that had the struggle lasted two minutes longer I would have been killed; I was nearly insensible, and unable to speak for ten minutes afterwards. A voting paper in favor of the said Arthur Todd Holroyd was placed in my hands by one of his supporters, which I handed to the Returning Officer, Richard Machattie, Esquire under protest, stating to him at the same time, that I voted for the said Arthur Todd Holroyd to save my life. I was so intimidated by the above-mentioned proceedings of the supporters of the said Arthur Todd Holroyd that I gave my vote for him instead of the said Henry Rotton, believing at the time that if I gave my vote for the said Henry Rotton my life would be in danger from the violence of the supporters of the said Arthur Todd Holroyd. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales, and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra-judicial Oaths and Affidavits."

CHAS. SUTHERLAND.

Taken and declared by the above-named Charles Sutherland, this first day of February, one thousand eight hundred and fifty-eight, at Bathurst aforesaid, before me,
J. B. DANIEL, J. P.

No. 2.

No. 2.

To His Excellency SIR WILLIAM THOMAS DENISON, Knight, Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same;—
and

The Executive Council of New South Wales.

The humble Petition of the undersigned Electors of the District of the Western Boroughs, and others, the Inhabitants of the Western Districts generally,—
SHEWETH :—

That Richard Machattie, Esquire, the Returning Officer for the Electoral District of the Western Boroughs, is notoriously a person of the strongest party bias, and the most inveterate political prejudices.

That, acting under these influences, the said Richard Machattie has not hesitated during the late Election to canvass (as your Petitioners are able prove) electors on behalf of his favorite candidate, and in other ways to exercise all the functions of a not openly avowed, but at the same time in truth, most earnest and zealous Election Agent.

That the conduct of the said Richard Machattie was at the polling for the late Election flagrantly unfair and unjust towards Arthur Todd Holroyd, the candidate to whom he is well known to have been bitterly opposed.

That this unfairness was shown by his repeatedly originating objections to that gentleman's voters, by his brow-beating all of them to whose qualifications any possible objections could be advanced; by his openly thanking an elector for recording his vote in favor of Henry Rotton; and generally by an excited, undignified, and partisan-like demeanour most unworthy of his high office.

That, after the declaration of the poll, and in spite of the strong remarks justly called forth by his previous partial conduct, the said Richard Machattie did not think it unbecoming his position as Returning Officer publicly to share in the party procession of the successful candidate, but was with that gentleman drawn through the Town of Bathurst; and by openly cheering the result of the Election, and by tolerating, if not actually joining in the groans bestowed before the residences of those who had supported his opponent, evinced the most shameless disregard of every consideration except that of triumph in the success of his party.

That the said Richard Machattie thus acted at a time when the excitement produced mainly by his own unfairness made necessary the most strenuous exertions of the authorities in order to prevent the outbreak of serious riots.

That your Petitioners respectfully submit that the conduct of the said Richard Machattie is not only derogatory and degrading to a Returning Officer, but that it is also calculated at any time to produce the most serious consequences, by supplying to excited men the additional stimulus of unmistakable and unbearable injustice.

Your Petitioners, therefore, humbly pray, that your Excellency will be graciously pleased to remove the said Richard Machattie from the office of Returning Officer for the Electoral District of the Western Boroughs.

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

[Here follow 114 Signatures.]

No. 3.

THE UNDER-SECRETARY to THE RETURNING OFFICER.

*Colonial Secretary's Office,
Sydney, 2 March, 1858.*

SIR,

I am directed to transmit to you, for any explanation you may wish to make upon the subject, the accompanying memorial from certain Electors of the District of the Western Boroughs, and others, Inhabitants of the Western Districts generally, complaining of your conduct during the late Election for that Electoral District.

RICHARD MACHATTIE, ESQ.,
Returning Officer for the Electoral
District of the Western Boroughs, Bathurst.

I have, &c.,
W. ELYARD.

No. 4.

THE UNDER-SECRETARY to ROBERT M'PHILLAMY, ESQ., AND OTHERS.

*Colonial Secretary's Office,
Sydney, 2 March, 1858.*

GENTLEMEN,

Your Memorial, without date, on the subject mentioned below, has been duly received and referred for the report of the Returning Officer for the Western Boroughs.

2. As soon as the necessary information has been obtained, a further communication will be made to you.

I have, &c.,

W. ELYARD,
Under-Secretary.

SUBJECT:—Complaining of the conduct of the officer alluded to.

ROBERT M'PHILLAMY, ESQ., J.P.,

and the other Electors of the Western Boroughs,
and Inhabitants of the Western Districts generally,
signing the Memorial, Bathurst.

No. 5.

MR. S. B. SERGEANT to THE COLONIAL SECRETARY.

Bathurst, 13 March, 1858.

SIR,

I have the honor to send you with this a petition in answer to the one already received by you, praying the dismissal of Richard Machattie, Esq., as Returning Officer for the Western Boroughs.

It is my pleasure to inform you that the petition is signed by two hundred and forty-one Electors of the Western Boroughs, and four hundred and thirty-eight non-electors, but inhabitants of the district of Bathurst.

It is also my desire that your notice should be called to the fact that the enclosed petition is signed by a great number of those voters who supported Mr. Holroyd.

In transmitting the petition, I do myself the honor of informing you that it has been prepared and signed without communication with Dr. Machattie, and is the spontaneous expression of a large proportion of the residents in the Bathurst District.

I have, &c.,

THE HONORABLE

SAML. BENNY SERGEANT.

THE COLONIAL SECRETARY,
Sydney.

[Enclosure in No. 5.]

To His Excellency Sir WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain-General and Commander-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

The humble Petition of the Electors of the Western Boroughs, and Inhabitants of the District of Bathurst, in the Colony of New South Wales,—

SHEWETH:—

That your Petitioners having heard that a few of the Electors of the Western Boroughs, and others the Inhabitants of the Western Districts generally, have petitioned your Excellency for the removal of Richard Machattie, Esq., Returning Officer for such District, alleging, as the grounds of their petition, that he acted partially and unfairly during the late Election, and at the polling of the voters.

That he, the said Richard Machattie, did not act unfairly or unjustly towards Arthur Todd Holroyd, or any of his supporters, at the polling at the late Election.

That your Petitioners having made inquiries into the subject, and having closely observed the proceedings at the late Election, do not believe that the said Richard Machattie canvassed any voters, or in any way acted as an electioneering agent.

That, in consequence of the abusive language which had been addressed to him on the hustings by Mr. Holroyd and some of his supporters, after the final declaration of the Poll, the Electors insisted on his entering the carriage with Mr. Rotton.

That the said Richard Machattie was many years since recommended by the late excellent Police Magistrate, Colonel Morisset, as a fit and proper person to fill the onerous office of Returning Officer for the Western Boroughs, and that his conduct as such officer has been under the observation of your Petitioners; and they have great pleasure in bearing the strongest testimony to the dignified and impartial manner in which he has as such officer invariably borne himself.

Your Petitioners, therefore, humbly pray that the said Richard Machattie may be continued in his said office.

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

[Here follow 679 Signatures.]

No. 6.

RICHARD MACHATTIE, ESQ., to THE COLONIAL SECRETARY.

Bathurst, 11 March, 1858.

SIR,

I have the honor to return the Petition of certain inhabitants and voters against me as Returning Officer for the Western Boroughs, an answer to which I send under separate cover.

I have, &c.,

THE HONORABLE

RICHD. MACHATTIE.

THE COLONIAL SECRETARY,
Sydney.

Bathurst, 11 March, 1858.

Sir,

In reply to your letter of the 2nd instant, forwarding a Petition addressed to His Excellency the Governor and Executive Council, complaining of my conduct as Returning Officer for the Western Boroughs, for any explanation I may wish to make,—I have the honor to reply to the accusations in the Petition seriatim.

1st. My political "bias and prejudices" were well known to the Government when I was first appointed Returning Officer, and they have not since altered.

2. As Returning Officer I have been particularly careful to guard against any exhibition of party feeling; and I unhesitatingly assert, that during the late Election I did not canvass a single voter in favor of any candidate, neither did I openly or secretly perform any act of an "election agent."

3. I did not, during the polling at the late Election, act in any way "flagrantly unfair and unjust" towards Arthur Todd Holroyd. Towards Arthur Todd Holroyd, personally, I was in no way opposed.

But I have to state, that the conduct of Arthur Todd Holroyd and his supporters was of such a character that it was with great difficulty that the business of the Election could be conducted. For confirmation of this statement I refer you to the declarations of the Poll Clerk, R. A. Fitzgerald, Esq., to that of J. B. Richards, Esq., J.P., and the letters of S. T. Hawkins, Esq., J.P., the Police Magistrate, and Captain Battye. I also forward you a copy of the *Bathurst Free Press*, in which a candid and tolerably correct statement of the circumstances connected with the polling is given.

4. I did not originate an objection to any voter, on either side; nor did I even put the questions to any voter without being asked to do so, with one exception, during the whole of the polling. I did not "brow-beat" any voter. I did thank Mr. John Ford when I got his voting paper; but this arose from a difficulty which Mr. Ford experienced in handing it to me, in consequence of infirmity; but the "Thank you" complained of was uttered before I opened it, and consequently before it was publicly known for whom he intended to vote.

I also in courtesy thanked each of the Clergymen as they tendered their voting papers, the majority of whom voted for Mr. Holroyd. I deny that my "demeanour was either excited, undignified, or partisan-like." For confirmation of this statement I refer you to the declarations and letters before alluded to.

5. After the unjust, malicious, and ill-timed observations of Mr. Holroyd, reflecting on me as Returning Officer, at the final declaration of the poll, the Electors and populace present forced me *vi et armis* into the carriage of the successful candidate; but I neither "cheered the result of the election" nor "joined in the groans." But before I was put into the carriage, or forced to join in the procession, my duties as Returning Officer had ceased. I would furthermore state, that at a former celebrated contest in the Western Boroughs, when the Honorable the late Attorney General, J. B. Darvall, Esq., was returned by the casting vote of the Returning Officer, the Electors compelled the Returning Officer on that occasion to join in a similar procession; but neither the Honorable Francis Lord, the defeated candidate, nor his party, thought it a proceeding unbecoming a Returning Officer, but they bore their defeat with becoming fortitude.

6. No act of mine, as Returning Officer, was the cause of requiring the authorities to put forth "the most strenuous exertions in order to prevent the outbreak of serious riots." In confirmation of this statement, I refer you to the letters of the Police Magistrate, and Captain Battye of the Mounted Patrol.

7. I deny that my conduct was "either derogatory or degrading to the position" I hold as Returning Officer, but as dignified and impartial as was possible under studied insult and systematic provocation. But the Petitioners further state that "my conduct is also calculated at any time to produce the most serious consequences, by supplying to excited men the additional stimulus of unmistakable and unbearable injustice." The meaning of this paragraph is so vague that I can scarcely understand it; but if it is intended to apply to my private character, I have only to say, that my "conduct at any time," during a twenty years residence in the Colony, will bear favorable contrast with that of any of my accusers.

I have further to observe, that in my opinion the sole cause of this Petition being got up was the detection before me of the most bare-faced attempts at intimidation, double voting, impersonation, and palming off fictitious votes, (as detailed in the declaration of the Poll Clerk, R. A. Fitzgerald, Esq.,) by Mr. Holroyd and his supporters. Mr. Holroyd was present during the whole of the proceedings, and frequently joined in the attempts, and in no instance did he discourage or prevent them; and also to the fact that some of Mr. Holroyd's principal supporters had made a gambling affair of the Election, and by the result lost some considerable sums of money.

I would also advert to the manner in which the Petition was got up. Some of the names have been attached without the knowledge or sanction of their owners, and who have repudiated the act—see John Wallace's statement herewith sent. Some of the signatures are that of persons residing, some forty and some sixty miles from Bathurst, and in no way connected by property or otherwise with the Western Boroughs,—such as Henry Finlay, Stoney Creek; Joseph Smith, Mulgonia; A. Murray, Molong; &c., &c; and in one instance the name of a respectable publican, a voter, viz., Job Manning, was attached to the Petition, when he was three hundred miles distant from the place. Whatever may be result of the deliberations of His Excellency and the Executive Council, I feel conscious of having honestly, faithfully, and impartially performed the duties of Returning Officer.

Awaiting the result of the deliberations of His Excellency and the Executive Council.

I have, &c.,

RICHARD MACHATTIE.

The Honorable
The Colonial Secretary.

I, Robert Appleyard Fitzgerald, of Bathurst, in the Colony of New South Wales, gentleman, do solemnly and sincerely declare, that I acted as Poll Clerk to Richard Machattie of Bathurst, aforesaid, Esquire, Returning Officer at the late Election for a Member for the Legislative Assembly, held at the Court House at Bathurst, aforesaid, on the twenty-eighth day of January last, and was present the whole of the time of taking the votes. Up to the hour of two o'clock in the afternoon, or a little later, the business of the day was conducted tolerably quietly, but after that time, when Mr. Rotton took decided lead in the poll, the Returning Officer was frequently interrupted by Mr. Holroyd and Messrs. John Nepean M'Intosh and Thomas Lee; the two latter persons used very coarse and insulting language towards the Returning Officer, because he would not at once receive the vote of Mr. Charles Sutherland, who was forced to the Court House by Mr. Holroyd's supporters, in a state of great exhaustion and apparent near approach to apoplexy, his face being of a deep blue colour. The vociferations, abuse, and violence of the supporters of Mr. Holroyd in Court, were quite disgraceful, and the Returning Officer was compelled to call upon the Police Magistrate and the Chief Constable to clear the Court of some of the most violent; but Messrs. Thomas Lee and M'Intosh continued to indulge in most abusive language, with threatening gestures.

I have been informed that the Returning Officer is charged with misconduct in his duty, for having thanked one of Mr. Rotton's supporters (Mr. John Ford) when he handed the Returning Officer his voting paper. I heard the Returning Officer also thank several voters for Mr. Holroyd on their handing in their voting papers, amongst whom were the Reverends Dr. Grant, M'Phelan, and Sharpe. The thanking was merely an act of courtesy. A voter, named Waller, was brought into Court in a drunken state by the supporters of Mr. Holroyd to vote for him, the said Waller having previously voted, when sober, for Mr. Rotton. A person named Edward Tyler, an innkeeper in Bathurst, was brought into the Court House by the supporters of Mr. Holroyd to personate another person of the same name, who was formerly a clerk to Messrs. R. & W. Oakes, and who had left Bathurst; but the imposition was detected by one of Mr. Rotton's Committee. A person named Thomas Hardy presented a voting paper in favour of Mr. Holroyd, which had been filled up in the Court by one of his Committee, the said Thomas Hardy's name not being on the Electoral Roll. The Returning Officer did not endeavour to influence a single voter in favor of either candidate on that day, and his conduct was strictly impartial throughout, under a torrent of abuse from Mr. Holroyd's supporters. The Returning Officer called the attention of Mr. Holroyd to the attempts made by his supporters to palm off fictitious votes, and stated that any repetition of such conduct would force him to take steps to prosecute the parties, when he was met by a volley of abuse, and Messrs. Lee and M'Intosh dared him to do it. I further declare that the questions put by the Returning Officer to any of the voters were those only authorized by the law, (having been invariably called upon so to do by one or other of the parties,) but in some instances these questions were explained by him to such of the voters as he thought might not clearly understand the penalty of giving a false answer to them; this explanation was given to the voters for both candidates. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition*"

"abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits."

ROBT. A. FITZGERALD.

Taken and declared by the above-named declarant, on the ninth day of February, in the year one thousand eight hundred and fifty-eight, at Bathurst aforesaid, before me.

J. B. RICHARDS J.P.

I, James Byrne Richards, of Bathurst, in the Colony of New South Wales, Esquire, do hereby solemnly and sincerely declare, that I was present during the greater part of the polling at the late Election for a Member for the Legislative Assembly, held at the Court House, Bathurst, aforesaid, on the twenty-eighth day of January last. The business of the day was conducted pretty quietly up to about the hour of two o'clock in the afternoon, when, in consequence of Mr. Rotton taking a lead in the poll, Mr. Holroyd's supporters, urged on by Mr. Holroyd, and Messrs. McIntosh and Thomas Lee, continually interrupted Dr. Machattie, the Returning Officer. Messrs. McIntosh and Lee used very coarse and insulting language towards the Returning Officer, because he would not at once receive the vote of Mr. Charles Sutherland, who, although he was a supporter of Mr. Rotton's, was brought by Mr. Holroyd's friends into the Court House in a state of great exhaustion and almost suffocation, apparently produced by violence. The Returning Officer stated he would not receive Sutherland's vote until he could tender it himself, and answer any questions that might be put to him. The continued vociferations, abuse, and violence of Mr. Holroyd's supporters in Court were quite disgraceful, so much so that the Returning Officer was compelled to call upon the Police Magistrate and the Chief Constable to clear the Court of the most violent. Notwithstanding this, Messrs. McIntosh and Thomas Lee continued to indulge in most abusive language, accompanied by threatening gestures.

I have been informed that the Returning Officer is charged with misconduct in his duty, for having thanked one of Mr. Rotton's supporters (Mr. Ford, a man above eighty years of age,) when he handed in his voting paper. The said Mr. Ford had great difficulty in handing in his voting paper to the Returning Officer, in consequence of injuries received in his arm. In courtesy the Returning Officer certainly did thank Mr. Ford, but so, also, did he thank the Reverend Dr. Grant and the Reverend Mr. Sharpe, who voted for Mr. Holroyd. The Returning Officer did not endeavour to influence a single voter in favor of either candidate, and his conduct was strictly impartial throughout. Notwithstanding the abuse that was launched against him by Mr. Holroyd's supporters, the Returning Officer called the attention of Mr. Holroyd to the attempts made to palm off fictitious votes in his favor, he being present the whole time, and stated that any repetition of such conduct would force him to take steps to prosecute the parties, when he was met by a volley of abuse, and Messrs. McIntosh and Lee dared him to do it. I further declare, that the questions put by the Returning Officer to any of the voters were those only authorised by law, and were invariably put when called on by the electors so to do. In some instances these questions were explained by the Returning Officer to such of the voters as he thought might not clearly understand the penalty of giving false answers to them. In no one instance did I observe the Returning Officer "brown-beat" any of the voters, and the questions were explained to voters on either side irrespectively. The Returning Officer exercised great forbearance towards the supporters of Mr. Holroyd in not clearing the Court of many of them who were exceedingly abusive and riotous, some of whom from their position should have been preservers of the peace. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

J. B. RICHARDS.

Taken and declared by the above-named declarant, on the 4th day of March, in the year one thousand eight hundred and fifty-eight, at Bathurst aforesaid, before me.

G. M. BATTYÉ, Capatin, J.P.

Walmer, 8 March, 1858.

My Dear Sir,

Agreeably to your request that I would convey to you my opinion with respect to the charges that have been brought against you as Returning Officer at the late Election for the Western Boroughs, I have no hesitation in stating my belief that the facts of the case will by no means bear out the accusations that have been made. I was present during the whole of the polling, and was witness to the insults offered you on more than one occasion by the supporters of Mr. Holroyd; your authority was set at complete defiance, and your attempts at preserving order were entirely frustrated, by the violent language and conduct of several of that party.

The contest was more than usually acrimonious, and party feeling gave rise to a great deal of private animosity, which has not yet subsided. To this in a great measure I attribute

attribute the petition which has been got up for your removal, as I feel confident that the difficult position in which you were placed, coupled with the bitter feelings which the result of the contest has engendered in the minds of many, will have due weight in the proper quarter, and fully acquit you in the minds of unprejudiced people of those imputations which have reflected upon your character as Returning Officer.

Believe me, &c.,

THOS. J. HAWKINS.

Richard Machattie, Esq.

*Police Office, Bathurst,
9 March, 1858.*

Sir,

In answer to your letter of yesterday (the 8th instant), calling my attention to a petition forwarded to the Government against you as Returning Officer for the Western Boroughs, and requesting me to state what steps I had found it necessary to take for the preservation of the peace, and also what observations I had made of the manner in which the late Election had been carried on,—I have pleasure in forwarding you a short statement of what occurred, and of my observations.

1st. About a week before the Election, from information given on oath by a highly respectable householder, and also from communications received from two or three Magistrates, I considered it necessary to swear in a number of special constables.

2nd. On the morning of the Election, at your request, I placed constables at each entrance of the Court House, so that the candidates might bring up their voters without interruption, it being arranged to take the votes in tallies. I was in and out of the Court during the day, and everything, as far as I saw, went on very quiet and orderly for several hours. About one or two o'clock there was a disturbance on the Square, each party contending for a voter. Soon after my attention was called to a great noise in the Court House. I went in as quickly as possible, when you said, "Here is the Police Magistrate—if I am to be interrupted in performing my duty, I shall call upon him to clear the Court." This was addressed to Mr. Holroyd's supporters, who at the time were very violent and noisy. Later in the day you again found it necessary to call upon myself and the Chief Constable, in consequence of a disturbance caused by the same parties.

I beg further to state, that during the polling I saw nothing "flagrantly unfair and unjust," (using the words of the petition) towards Mr. Holroyd or towards any of the electors; and my impression is that the whole of the disturbances that occurred arose from Mr. Holroyd losing his election. As long as the votes were equal, or nearly so, everything went on quiet and orderly, and you were treated with courtesy; but directly Mr. Holroyd was in the minority, the excitement commenced, and went on increasing as the majority went against him; and so it continued till the poll closed.

I am, Sir, &c.,

W. HALL PALMER, P.M.

R. Machattie, Esq.

Bathurst, 9 March, 1858.

Sir,

In reply to yours of yesterday's date, calling my attention to a certain paragraph which appears in a petition to the Governor General, stating "That the excitement mainly produced by the Returning Officer's unfairness made necessary the most strenuous exertions of the authorities in order to prevent the outbreak of serious riots."

I have the honor to state, that during the whole Election I kept aloof as much as possible from all that took place at the hustings or elsewhere, until, from a distance I observed a general row, when I rode up and saw the Police Magistrate and his Constables much pressed upon by the crowd, when endeavouring to take away an elector of Mr. Holroyd's, who was very riotous and covered with blood, upon which I rode in with one or two of my Troopers, cleared the crowd, relieved Dr. Palmer and his men of their charge, and took him away.

The origin of this disturbance, which was the only one I witnessed, I am perfectly ignorant of; and I have heard nothing since to lead me to believe that it was in any way caused by you; and, from all that I witnessed, I am at a loss to conceive how any respectable parties could have framed such a charge against you.

I have, &c.,

G. M. BATTYE,

Captain Mounted Patrol.

THE WESTERN BOROUGHS.

Having seen that my name was appended to a petition presented to the Governor, complaining of the conduct of the Returning Officer, and as I am the only person of the same name on the Electoral Roll, I beg to state that I never signed such petition, nor authorised any person to do so for me.

JOHN WALLACE.

Bathurst 8th March, 1858.

Richard Machattie, Esq.,
Returning Officer,
Western Boroughs.

No. 7.

THE UNDER-SECRETARY to THE RETURNING OFFICER FOR THE WESTERN BOROUGHS.

*Colonial Secretary's Office,
Sydney, 16 March, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 11th instant, reporting on the complaints made by certain electors of the Electoral District of the Western Boroughs, and other inhabitants of the Western Districts, of your conduct as Returning Officer on the occasion of the recent Election; and to inform you that your explanation is considered by the Government to be a satisfactory reply to the allegations of the Petitioners.

I have, &c.,

RICHARD MACHATTIE, Esq.,
Returning Officer for the
Western Boroughs, Bathurst.

W. ELYARD.

No. 8.

THE UNDER-SECRETARY to S. B. SERGEANT, Esq.

*Colonial Secretary's Office,
Sydney, 16 March, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 13th instant, enclosing a Petition addressed to the Governor General, signed by certain electors of the Western Boroughs, and inhabitants of the District of Bathurst, praying, with reference to a recent Petition complaining of the conduct of the Returning Officer for that District on the occasion of the late Election, that Dr. Machattie may be continued in his office; and to inform you that the Petition has been duly laid before His Excellency.

2. I am further directed to state, that a report has also been received from the Returning Officer on the Petition referred to, in the one forwarded by you, and that the explanation of Dr. Machattie is considered by the Government to be satisfactory.

I have, &c.,

S. B. SERGEANT, Esq.,
Bathurst.

W. ELYARD,

No. 9.

THE UNDER-SECRETARY to ROBERT M'PHILLAMY, Esq., AND OTHERS.

*Colonial Secretary's Office,
Sydney, 16 March, 1858.*

GENTLEMEN,

With reference to my letter of the 2nd instant, I am now directed by the Colonial Secretary to inform you, that a report has been received from the Returning Officer of the Electoral Districts of the Western Boroughs, on the complaints made by you, in a recent Petition, of his conduct on the occasion of the late Election, and to inform you that the explanation of Dr. Machattie is considered by the Government a satisfactory reply to the allegations contained in your Petition.

I have, &c.,

ROBERT M'PHILLAMY, Esq.,
and the other Electors of the Electoral
District of the Western Boroughs, and other
Inhabitants of the Western District, Bathurst.

W. ELYARD.

1858.

Legislative Assembly.
NEW SOUTH WALES.

RULES OF COURT.

(MADE SINCE THOSE LAST LAID BEFORE PARLIAMENT.)

Ordered by the Legislative Assembly to be Printed, 24 March, 1858.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

SATURDAY, THE 7TH DAY OF NOVEMBER, 1857.

No Attorney shall hereafter act in any case, at Law or in Equity, for more than one Party, unless the Parties represented are in the same interest. And the Members of a Firm shall, for the purposes of this Rule, be deemed one person.

ALFRED STEPHEN.
J. N. DICKINSON.
R. THERRY.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

THURSDAY, THE 24TH DAY OF NOVEMBER, A.D. 1857.

AFTER the disposal on any day of the Causes on that day's List in the *Jury Court*, or where there shall be no Cause then for Trial in that Court, the Presiding Judge may proceed to try any Cause or Causes for Trial on that day in the Banco Court.

ALFRED STEPHEN.
J. N. DICKINSON.
R. THERRY.

BUSINESS IN TERM; IN CHAMBERS; AND IN EQUITY.

THE SUPREME COURT OF }
NEW SOUTH WALES. }

TUESDAY, THE 1ST DAY OF DECEMBER, 1857.

ON and from the 1st day of January, 1858, the 1st, 2nd, and 3rd of the Rules made on the 28th February, 1856—and the 3rd, 4th, and following Rules to the 9th inclusively, of those made on the 26th April, 1856—shall be repealed; and the following be in force in their stead:—

I. Chamber Business will be taken, in Term and Vacation alike, on Mondays, Chamber Wednesdays, and Fridays:—in Vacation at Ten o'clock; and, in Term, at the rising of the Business Court.

II. Provided that, in the January and July Vacations, no Summons shall be return-
able, nor will any Judge sit in Chambers, except on *Wednesday* in each week only:—nor
then, for any other cases than cases of emergency. January and
July Va-
cation.

III. Sittings of the Court, as in Banco, will be holden before two of the Judges, in Sittings as in
its Insolvency Jurisdiction, and to hear and dispose of Motions for Juries of Twelve, and Banco.
cases under the Justices' Acts of 1850 and 1853, on such days as the Judges, or any two of
them, may from time to time appoint.

IV. On Mondays and Thursdays in Term, Motions (including Motions to make any Motions in
Rule absolute, but not including New Trial Motions,) will have precedence. Term.

V. On every other day in Term, (and on those days also, after the disposal of Other Busi-
ness in Term,
Motions,) Matters will be called on and heard, without reference to their nature, according
to the order in which each may stand in the "*Term Paper*" for hearing

VI. The Prothonotary shall keep a Book, in which shall be entered every Matter, Matters taken
(whether Demurrer, Special Case, New Trial Motion, or the like,) for argument in Term, according to
according to its priority in the date of filing. priority.

VII. The Term Paper shall be made out, from time to time, from that Book; and Term Paper
copies be printed, and stuck up in the Court Rooms, and in the Hall. how made up.

VIII. Provided that any Criminal Case, or other urgent Matter, by order of a Judge, Advancing
may be advanced in such Paper:—either generally, or to be heard on a particular day, as he
shall think fit. Matters;
where urgent.

- Saturdays in Term. IX. The Court will not sit, in Term time, on any Saturday; the last Saturday excepted.
- Equity Sit-tings. X. The Primary Equity Judge will sit for the despatch of Equity Business, on every Tuesday, Wednesday, and Friday, in Term and Vacation alike; the January and July Vacations excepted.
- Insolvency Matters. XI. The Primary Equity Judge will sit, also, on every Saturday on which two Judges shall not sit for that purpose, for the despatch of Insolvency Business:—the Court to be then holden by him as in Banco.
- Other Business at those Sittings. XII. Such other Business will thereafter on the same day be taken by the Primary Equity Judge, or by one of the other Judges, sitting as in Banco, as one Judge only may then by law be authorised to dispose of.

ALFRED STEPHEN.
J. N. DICKINSON.
R. THERRY.
S. F. MILFORD.

CRIMINAL AND CROWN MATTERS.

THE SUPREME COURT OF } TUESDAY, THE 1ST DAY OF DECEMBER, 1857.
NEW SOUTH WALES. }

ON and from the first day of January, 1858, the 3rd, 4th, and 5th, and the 15th, 16th, and 17th of the Rules made on the 29th April, 1856, shall be repealed; and the following be in force in their stead.

- Reserved Points and Motions. I. Every Point reserved during any Criminal Session shall be argued, and every Motion for a New Trial or in Arrest of Judgment be made, in respect of any Prisoner tried at such Session, on the last day of that Session:—or on such other day thereafter, as the Judges or any two of them, or, on Circuit, the Presiding Judge, shall order.
- Special Cases. Serving Copy. II. Within four days after the filing of any Special Case, under the 13 Vict., No. 8, s. 2, a Copy shall be left at the Office of the Criminal Crown Solicitor, by the Party on whose application the Case was reserved. Provided that, where the case was reserved without any such application, the duty of leaving such Copy shall devolve on the Judge's Clerk; or, with respect to Cases from any Court of Quarter Sessions, on the Clerk of the Peace.
- Entering and Hearing. III. Every Special Case shall be entered by the Prothonotary in the Term Paper, immediately after being filed; and shall be heard according to its place therein, unless some particular day shall have been appointed for that purpose.
- Argument. IV. Every Special Case shall be heard at the Court House, in King-street; and the Party at whose instance it was reserved shall begin, but have no right of reply.

ALFRED STEPHEN.
J. N. DICKINSON.
R. THERRY.
S. F. MILFORD.

THE SUPREME COURT OF } TUESDAY, THE 1ST DAY OF DECEMBER, 1857
NEW SOUTH WALES. }

- Book for Chamber Business. I. After the 1st day of January, 1858, a Book shall be kept by the Judges' Clerks, which may be searched at all reasonable times, in which shall be minuted the nature of every Application in Chambers; the Cases cited on either side; the names of the Counsel or Attorney appearing; and the Judge's Decision on the Matter.
- Affidavits. II. After the 1st day of January next, every Affidavit to be used in this Court, in any branch of its Jurisdiction, which shall exceed three folios, shall be divided into Paragraphs; each of which shall be numbered, for more convenient reference.
- Commissions to Examine Witnesses. III. Where any Commission for the examination of Witnesses shall be issued, to any place beyond the Australasian Colonies, the Party joining therein may transmit a Certified Copy of such Commission, and cause the same to be executed if he shall think fit.
- Costs of Executing. IV. Provided that the Costs of such execution shall not be allowed as Costs in the Cause, if the original Commission be also executed.

ALFRED STEPHEN.
J. N. DICKINSON.
R. THERRY.
S. F. MILFORD.

THE SUPREME COURT OF } TUESDAY, THE 1ST DAY OF DECEMBER, 1857.
NEW SOUTH WALES. }

- Trial of Causes. ON and from the First day of January 1858, the 1st, 2nd, 3rd, 4th, and 9th, of the Rules made on the 23rd February 1856, shall be repealed; and the following be in force in their stead.
- Sittings for Causes. I. There shall be annually six Sittings at Sydney, for the trial of Causes, not being Common Jury Causes;—commencing on the *second* Monday in February, April, June, August, and October, and the *third* Monday in November, and ending severally on the second Saturday next following.
- Special Jury Causes. II. At those Sittings respectively, the days for Special Jury Causes, triable by a Jury of Twelve, shall be the first three days; and no Cause for trial by a Jury of Four Persons shall be set down in the *N 1* List, for any of those days.

III.

III. Common Jury Causes shall be set down for and be tried on Tuesday and Wednesday in each Session of Gaol Delivery:—or on such other days as the Judges, or any two of them, may from time to time appoint. Common Jury Causes.

IV. Jury Causes will be taken on every day throughout the Sittings, Saturdays included.—But no Cause shall (except by Order of a Judge) be entered for any Saturday. Saturdays.

ALFRED STEPHEN.

J. N. DICKINSON.

R. THERRY.

S. F. MILFORD.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

MONDAY, THE 21ST DAY OF DECEMBER, 1857.

THE Holidays to be kept in the Supreme Court Offices, in the year 1858, in addition to those prescribed by the Rules of 26th April, 1856, shall be the following:—The 1st, 2nd, 18th, 19th, 25th, 26th, and 27th days of January; the 16th, 17th, and 18th days of March; the 25th day of May, the 21st day of June; the 24th, 26th, and 27th days of July; the 25th, and 27th days of September; and the 27th and 28th days of December.

ALFRED STEPHEN.

J. N. DICKINSON.

R. THERRY.

MORETON BAY APPEALS.

20 VICT., No. 25, SEC. 7.

WHEREAS by an Act passed in the 20th year of Her Majesty's Reign, to provide for the better administration of Justice in the District of Moreton Bay, it is enacted that every Decision by the Resident Judge at Moreton Bay, in matters which would belong to the full Court, may be brought under the review of the Judges of the Supreme Court sitting at Sydney in Banco, by way of Appeal or otherwise, in such manner and form, and on such terms to be imposed on the litigating parties, and subject to such Rules and Regulations in all other respects, as the said last mentioned Judges shall from time to time make and prescribe. 20 Vict.,
No. 25, Sec. 7.

It is hereby ordered that the several General Rules and Orders following be established, and the same are hereby made, prescribed, and established, to take effect on and from the first day of January next, for the Regulation of all Appeals from Moreton Bay, or proceedings for the purpose of bringing under review of the Judges, at Sydney, any Decision of the Resident Judge at Moreton Bay, by way of Appeal therefrom, on or after that day.

I. Every person desirous of bringing any Decree, Judgment, Rule, or Order of the Resident Judge, under review of the Judges at Sydney, shall within ten days after the signing of such Decree, the entering of such Judgment, or the taking out of such Rule or Order, file in the office of the Registrar, at Brisbane, a Memorandum in writing, signed by him or his Solicitor, in the form or to the effect in substance set forth in the first Schedule to these Rules, with a Certificate thereunder written, under the hand of his Counsel, to the effect contained in that Schedule; and shall within the like time deliver a copy thereof to the Resident Judge or his Clerk, and to the opposite party or his Solicitor. Appeal to be
by Memorandum.

And such Memorandum shall be taken to be the Appeal of the party; and the grounds of Appeal therein assigned shall not be departed from, or added to, or varied, nor shall any other grounds, in substance, be entered into, on the hearing of the Appeal, without the leave of the Resident Judge, or of the Judges at Sydney, on special application for that purpose, and subject to such terms with respect to costs and otherwise, as such Judge or Judges shall impose. Grounds of
Appeal
adhered to.

II. Within the same time of ten days, the Party Appealing (or where two or more parties appeal, one or more of such parties,) shall enter into a Bond to the Respondent, with one responsible surety, to be approved of by the Registrar, in such form, and in such reasonable amount as the Resident Judge shall direct, conditioned to pay all such costs as shall, on the determination of the Appeal, or otherwise, be ordered by the Judges at Sydney to be paid by the party or parties so appealing: Provided that, where an Appellant shall be absent, any person approved of by the Registrar may enter into such Bond in his stead; and that in any case, it shall be lawful for the Appellant to deposit the sum named by the Resident Judge, in the hands of the Registrar, to abide the result of the Appeal, in lieu of entering into the Bond. Security for
Costs.

III. So soon as such Bond shall have been given, or such sum have been deposited as aforesaid, (or previously, if the circumstances of the case shall so require, it shall be lawful for the Resident Judge, in his discretion, to suspend the execution of the Decree, Judgment, Rule, or Order appealed from, until after the Appeal shall have been determined; on such terms and conditions in each case, as he shall under the circumstances think just and reasonable: Provided that, in every case where the Resident Judge shall have been requested to suspend the execution of such Decree, Judgment, Rule, or Order, and he shall not have directed such suspension, or where the Appellant shall not think fit to accept of the suspension subject to the terms and conditions specified, or he shall in fact not comply with those terms and conditions, the Party or Parties respondent shall not be at liberty to proceed to enforce such execution, until he or they (or one more of them, at the discretion of the Resident Judge,) shall have entered into a Bond to the Appellant, with one or more responsible surety or sureties, to be approved of by the Registrar, in such form and in such reasonable amount as the Judge shall direct, conditioned for the restoration of all property and moneys, recovered or received by virtue of such execution, in case such restoration shall be directed by the Appellate Suspension of
Decree or
Judgment.

Appellate Judges, together with interest thereon, and costs, (should such interest or costs be awarded,) and for the performance in all other things of such Decision, Decree, or Order, as shall on the determination of the Appeal, be by the said Judges pronounced or made against the Respondent.

Appellant to prepare Special Case.

IV. Within ten days after the time limited by these Rules for the filing of the Memorandum of Appeal, the Appellant, or his Solicitor, shall deliver to the Respondent, or his Solicitor, a Special Case, stating therein, (in the form, as nearly as the circumstances will conveniently allow, set forth in the second Schedule to these Rules,) the nature of the Cause or Matter; and so much only of the Pleadings, or Papers and Proceedings therein, as shall be necessary to shew distinctly the point or points in controversy;—the evidence, or so much thereof as shall be necessary;—and the substance of the Decree, Judgment, Rule, or Order appealed from, or the substance of so much of the same as is appealed from;—with the grounds and reasons of the Appeal; and the authorities relied on in support thereof; and a statement of the authorities cited on the argument or hearing before the Resident Judge.— And the Appellant shall, within the like time, deliver a copy of such Special Case to the Resident Judge, or his Clerk, and procure and serve an appointment for the Respondent to attend the said Judge on the settlement of such Case; and on such attendance, or at some adjourned attendance, (or on the day appointed for such attendance, should either party be then in default,) such Special Case shall be settled, as on a Special Case or a Special Verdict at Law; the Respondent previously delivering to the Appellant, and also to the Resident Judge, a copy of such additions to the Case as he shall desire on his behalf to have inserted therein.

Appeal papers to be forwarded.

V. Within four days after the Special Case shall have been so settled, a fair copy thereof on foolscap paper (briefwise) shall be filed with the Registrar, signed by the respective Solicitors; or, in case either of them shall neglect to do so, by the Registrar in lieu of the party so neglecting. And the same shall by such Registrar be forwarded, as soon afterwards as conveniently may be, together with the Appendix hereinafter mentioned, to the Prothonotary of the Supreme Court, (or, if the matter be in Equity, to the Master in Equity,) at Sydney, to be by him set down, without request or notice, in the then next Term Paper.

Contents of Appendix.

VI. The Appendix shall contain a copy of the Memorandum of Appeal, a copy of the Judge's Notes (in case His Honor shall think fit to give such copy,) and a copy of the Decree, Judgment, Rule, or Order appealed from, and of all such Pleadings, Proceedings, and Documents, or such parts of the same respectively, as the Judge shall, on the settlement of the Special Case or afterwards, have directed or allowed in that behalf; all such copies to be at the expense of the Appellant in the first instance, and to be certified by the Registrar. And no Pleading, Order, Decision, Proceeding, or Document, shall be referred to by either party on the hearing of the Appeal, other than such as shall be contained in the Appendix.

Provision for Special Circumstances.

VII. Provided always, that it shall be lawful for the Resident Judge, at any time before the Special Case shall have been transmitted, and for the Judges at Sydney, at any time before or after such transmission, on such terms as to him or them respectively shall seem meet, and most conducive to the ends of justice, to enlarge the time or give time, *de novo*, for doing any matter or thing by these Rules required or allowed to be done, and to make all such Orders from time to time on the parties respectively, in the matter of the Appeal, or relating thereto, (whether on any point provided for by these Rules or not,) as the case may seem to require:—and, in all cases, where any application shall be about to be made, or shall have been made, to the Judges in Sydney, service of any Notice, or Appointment, or Order, by affixing the same, or a copy thereof, on the door of the Prothonotary's Office, shall be deemed good service on the party to be affected thereby, unless he shall have caused to be noted at the foot of the Special Case the name of some Solicitor in Sydney, at whose office any service for him may be made.

Construction of Rules.

VIII. Where the word Solicitor only is used in these Rules, it shall be taken to mean equally the Attorney or Proctor of the Party, as the case may require: and the words Appellant and Respondent shall respectively be taken to mean Appellants and Respondents respectively, (where there shall be more than one Appellant or Respondent,) unless the sense or context shall require a different construction.

Proceedings at and after Hearing.

IX. On the hearing of the Appeal, the Appellant shall in all cases begin, the Respondent follow, and the Appellant then be heard in reply; and no more than two Counsel shall in any case be heard on each side, unless by special Order. The Decision or Decree of the Appellate Judges, being drawn up by the party succeeding, and signed by such Judges, shall be transmitted to the Registrar, with the Special Case and Appendix, by the Master in Equity or Prothonotary, unless their Honors shall in any case otherwise order. When costs are ordered to be paid, such part thereof as shall have been incurred in Sydney, shall be taxed by the Master or Prothonotary, as the Judges shall direct; and such part thereof as shall have been incurred in Moreton Bay, shall be taxed by the Registrar. All proceedings for enforcing the Decision or Decree of the Sydney Judges shall be taken and carried on at Moreton Bay, as the Resident Judge shall direct; but no proof of the signatures of such Judges, or of the signature of the Master or Prothonotary, to any Decree or Order in the matter of the Appeal or to the Allocatur of Costs, or proof of the official character, or handwriting, of the person appearing to have signed any such Order or Allocatur, as Master in Equity or Prothonotary, shall in any case be required.

Given under the hands of us, SIR ALFRED STEPHEN, Knight, Chief Justice, JOHN NODS DICKINSON, Esquire, and ROGER TERRY, Esquire, Judges of the said Supreme Court, and under the Seal of the said Court, at Sydney, this twenty-ninth day of December, in the year of our Lord One thousand eight hundred and fifty-seven.

ALFRED STEPHEN.
J. N. DICKINSON.
R. TERRY.

RULES OF COURT.

5

FIRST SCHEDULE.

In the Supreme Court, Moreton Bay.

COMMON LAW JURISDICTION.

Between { A. B., Plaintiff,
and
C. D., Defendant.

The Appeal of the above-named C. D.

MEMORANDUM.—The said C. D. appeals to their Honors the Judges of this Court, sitting at Sydney, from the Decree, (Judgment, Rule, or Order,) of His Honor the Resident Judge, made in this matter, on the day of instant, (or last,) whereby it is ordered (state shortly the substance, or effect, of the thing or matter appealed from,) on the following grounds—that is to say, First; For that (state each ground succinctly.)

Dated at Brisbane, this day of 18

(Signed)

J. M.

Solicitor for the Appellant.

I, the undersigned, being Counsel for the above-named C. D., do certify, that in my opinion the above are good grounds of Appeal against the Decree, (Judgment, &c.) above set forth.

S. H.

NOTE.—For "Common Law Jurisdiction" insert Equity or Insolvency Jurisdiction as the case may require.—Instead of "Between A. B., Plaintiff" &c., say "In the matter of the Petition of L. M. praying that the Estate of C. D. might be sequestrated"—or, "In the matter of R. S. Ex parte B. D.," &c.—as the case may be.

Instead of "from the Decree" (or Judgment, Rule, or Order, as the case may be,) say "from so much of the Decree" &c. &c. "as directs that" &c.—when only part of the Decree (or Judgment &c.) is appealed from.

If there be only one ground of Appeal, the form above given will of course be varied accordingly.

SECOND SCHEDULE.

On Appeal from Moreton Bay.

Between { A. B., Plaintiff,
and
C. D., Defendant.

Or,—In the matter of L. M. &c. &c. (as the case may be.)

SPECIAL CASE.

The Appellant in this matter is the above-named C. D.; and the Appeal is from a Decree (Judgment, Rule, or Order) made by His Honor the Resident Judge, bearing date the day of 18, whereby it was ordered &c. (State substance or effect of same.)

The Suit (or Action) was commenced on, &c.—(Or, "The matter originated on, &c. by a Motion made" &c.—as the case may be—setting out, shortly, and in substance only, the several pleadings: except where a fuller recital may be necessary.)

The case was heard (or, The Cause was tried, &c.—) on the day of &c.—when &c. (State Evidence, as far as material—and the Verdict or Decision in like manner—Any previous, and also any subsequent proceeding, where necessary, to be also shortly set out; but only where really required to render the matter under Appeal intelligible.)

The said C. D. filed a Memorandum of Appeal, as set forth in the Appendix hereto, against the Decree, (Judgment, Rule, or Order) consequent on the said Decision of His Honor; and he submits that it ought to be reversed (or varied, as the case may be,) for the grounds and reasons following—that is to say—(State them; but not so as to vary substantially from those assigned in the Memorandum, unless specially allowed.)

The Respondent (the before-named A. B.) on the other hand submits that the said Decree, &c. is right, for the following reasons; that is to say—(Here state them; and, if the same substantially as were urged before His Honor, state that fact.)

The following authorities were cited, and are still relied on, by the Appellant; that is to say (State them.) The following were and are relied on by the Respondent. (State them.)

Copies of the several Pleadings, or parts of Pleadings, and of His Honor's notes, and other matters, referred to respectively in this Special Case, or thought necessary to accompany the same, are in the Appendix; as follows. (State what they are.)

B. K.

Solicitor for Appellant.

N. W.

Solicitor for Respondent.

MEMORANDUM.—The Solicitor for the Appellant in Sydney, on whom all papers, &c., may be served, is Mr. H. S., and for the Respondent is Mr. N. P.

REGULA GENERALIS.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

SATURDAY, THE 6TH DAY OF FEBRUARY, 1858.

1. The Court will sit on every Saturday in Term.

2. The Court will sit as in Banco, on every Saturday out of Term, at ten o'clock (to be holden before Two or more Judges) in its Insolvency Jurisdiction,—and then to take Motions for *Rules Nisi* in Equity, and Motions for Juries of Twelve, Probates and Administrations may also be granted, and Motions in reference thereto be made, on any such Saturday.

J. N. DICKINSON.

R. TERRY.

1858.

Legislative Assembly.

NEW SOUTH WALES.

RULES OF COURT.

(PROMULGATED BY THEIR HONORS THE JUDGES SINCE LAST LAID UPON THE TABLE.)

Ordered by the Legislative Assembly to be Printed, 13 July, 1858.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

Saturday, the twenty-seventh day of February, A.D. 1858.

The Officers and Persons hereunder mentioned are hereby appointed Examiners, during the present year, of Clerks seeking admission to practise as Attorneys, that is to say:—

The Master in Equity,
Arthur Todd Holroyd, Esquire, Barrister-at-Law,
Edwin Daintrey, Esquire, } Attorneys-at-Law.
George Wigram Allen, Esquire, }

ALFRED STEPHEN.
J. N. DICKINSON.
R. TERRY.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

REGULÆ GENERALES.

Saturday, the twelfth day of June, 1858.

EXCEPTIONS TO REPORTS.

IN EQUITY;

1. Where there shall be Exceptions to the Master's Report, or a Petition or Motion that the same be reviewed, the Evidence on both sides shall be read before the Argument; and the Party objecting to the Report shall in all cases begin, and have the Reply.

IN LUNACY;

2. This Rule shall be in force in Lunacy matters, as well as in the Equity Jurisdiction of the Court.

AND INSOLVENCY.

3. The like Practice shall obtain, in Insolvency, in all cases where any Report or Decision of the Chief Commissioner is objected to.

ALFRED STEPHEN.
J. N. DICKINSON.
R. TERRY.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

Monday, the fourteenth day of June, 1858.

1. Whenever any Petition, presented under the Act 20 Victoria No. 15, is referred by the Governor, with the advice of the Executive Council, to the Supreme Court for trial, the Prothonotary shall within ten days after the receipt of such Petition give the Petitioner notice thereof and of the name of the Officer or Person appointed to be the Nominal Defendant in the matter of such Petition.

2. The Prothonotary shall at the same time require the Petitioner within fourteen days after the receipt of such Notice to file a Declaration in the Supreme Court setting forth specifically his claim, (which may be in specie to some particular thing or matter, or in lieu thereof compensation for its loss or deprivation, as the case may require,) and the several facts and matters upon or in respect of which the Petitioner founds and insists on that Claim.

3. Every such Declaration shall contain the several particulars aforesaid, and shall in other respects be in the ordinary form of a Declaration in an Action but with the following commencement after its intituling:—“A. B., the Plaintiff in this Action, in pursuance of the “Act 20 Victoria No. 15, and of a reference of his Petition under that Act to this Honorable “Court, sues C. D. (add his Style of Office, if any,) the Defendant in this Action being the “person nominated in this behalf by the Governor with the advice of the Executive Council, “in pursuance of the same Act, under the circumstances and in respect of the matters “following.” After which commencement, the Plaintiff’s Claim and Statement shall follow in such order as he shall think fit; and the several paragraphs shall be numbered as in an Affidavit.

4. Further time may be allowed to the Plaintiff for the filing of his Declaration, as a Judge shall think fit; but not beyond ten days in the whole, without notice to the Attorney General.

5. A copy of the Declaration shall be served upon the Defendant within two days after filing; and such service shall be equivalent to the service on him of a summons,—and the Defendant shall without previous appearance plead thereto, (or demur, or plead and also demur as in any other case,) within fourteen days after such service, or within such further time as a Judge shall allow.

6. In all other respects, the Action shall proceed as in any ordinary case of an Action at Law; and the proceedings therein, to Final Judgment, inclusive, be subject to the Rules now or hereafter to be in force, with respect to the conduct and disposal of an Action.

ALFRED STEPHEN, C.J.
J. N. DICKINSON.
R. TERRY.

IN THE SUPREME COURT.

Monday, the fifth day of July, A.D. 1858.

RULES ABSOLUTE.

The 10th of the General Rules made on the 28th February, 1856, shall be amended, by the addition thereto of the following words:—

(Prac. p. 23.)

1. All Affidavits in opposition thereto, unless a Judge allows further time, shall be filed before one o’clock of the preceding day.

ALFRED STEPHEN.
J. N. DICKINSON.
R. TERRY.

IN THE SUPREME COURT.

Wednesday, the seventh day of July, A.D. 1858.

1. In a view to the disposal of the arrears in the Term Business, it is ordered that no Cause be newly entered for trial by a Jury on any day during the Sittings in August next.

2. For the disposal of Causes *already* entered, two Courts will be holden daily during those Sittings, including Saturday, the 14th August.

3. Should those Causes (in either Court) be disposed of before Thursday, the 19th August, the Court will sit *in Banco* on that day and the two days following; and Demurrers and Special Cases will, on those days, have precedence.

4. Should neither list be disposed of until Friday, the 20th August, the Court will sit *in Banco* on that and the following day only.

5. On Saturday, the 14th August, Motions for Rules Nisi in Equity, if any, will be taken before two Judges, at 10 o'clock, and afterwards the Court will be holden, before one Judge, for Insolvency Business.

ALFRED STEPHEN.
J. N. DICKINSON.
R. TERRY.

1858.

Legislative Assembly.

NEW SOUTH WALES.

RULES OF COURT.

(PROMULGATED BY THEIR HONORS THE JUDGES.)

Ordered by the Legislative Assembly to be Printed, 2 November, 1858.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

Wednesday, the 27th day of October, 1858.

CHAMBER BUSINESS.

1. During the present and ensuing Term all ordinary Chamber Business will be taken by Mr. Justice Milford, on the usual Chamber Days, at 10 o'clock. But Summonses may be made returnable in Chambers, on those days, as at present, at the rising of the Court.

SATURDAYS IN AND OUT OF TERM.

2. The Court will not sit on any Saturday in Term, excepting the last Saturday. But the Primary Equity Judge will sit on every Saturday, (as provided by Rules 11 and 12 of 1st December, 1857,) the last Saturday in Term included, for the despatch of Insolvency Business and of all such other business as by the Act lately passed in that behalf may be disposed of by one Judge.

EQUITY AND ECCLESIASTICAL MATTERS.

3. The Primary Equity Judge will sit for the despatch of Equity Business and Matters in Lunacy, on every Tuesday, Wednesday, and Friday—on the two last-mentioned days at 11 o'clock. His Honor will take Ecclesiastical Business at that hour, on Wednesday, as well as on every Saturday.

CASES UNDER JUSTICES' ACTS.

4. The Court will in Term time take Cases under the Justices' Acts of 1850 and 1853, on Mondays and Thursdays; and, out of Term, will sit as *in Banco*, for that purpose, on the Saturday next following each Sydney Court of Gaol Delivery.

CRIMINAL MATTERS.

5. Reserved Points and Cases in Criminal Matters will be heard and disposed of on those Saturdays, or on the first Friday in Term.

ALFRED STEPHEN.
J. N. DICKINSON.
R. THERRY.
SAML. FREDK. MILFORD.

1858.

Legislative Assembly.

NEW SOUTH WALES.

RULES OF COURT.

(SUPREME COURT.)

Ordered by the Legislative Assembly to be Printed, 9 November, 1858.

THE SUPREME COURT, }
NEW SOUTH WALES. }

APPEALS TO PRIVY COUNCIL.

Friday, the tenth day of September, 1858.

All Applications for leave to Appeal, or for the Allowance of an Appeal, to Her Majesty in Council from any Judgment Decree or Order of this Court, at Law or in Equity, and all matters in relation thereto respectively, may be heard and disposed of on any day on which two Judges shall sit as in banco for any other purpose in or out of Term.

ALFRED STEPHEN.
J. N. DICKINSON.
R. TERRY.

1858.

Legislative Assembly.

NEW SOUTH WALES.

RULES OF COURT.

(DATED 13 NOVEMBER, 1858.)

Ordered by the Legislative Assembly to be Printed, 19 November, 1858.

IN THE SUPREME COURT }
OF NEW SOUTH WALES. }

REGULA GENERALIS.

Saturday, the Thirteenth day of November, 1858.

REFERENCES FROM CHAMBERS.

When an Application in Chambers is referred to the Court, it shall be entered on the Paper by the Applicant for the next Motion day, and be heard as a Rule Nisi.

ALFRED STEPHEN.

J. N. DICKINSON.

R. THERRY.

1858.

Legislative Assembly.

NEW SOUTH WALES.

RULES OF COURT.

(MORETON BAY.)

*Ordered by the Legislative Assembly to be Printed, 30 March, 1858.*IN THE SUPREME COURT }
AT MORETON BAY. }

FRIDAY, 5TH MARCH, A.D. 1858.

REGULA GENERALIS.

It is hereby ordered that the Criminal Sittings of the Supreme Court at Moreton Bay, ordered by Rule of Court of the twenty-eighth day of December last to be holden on the twelfth day of April next, do commence on Monday, the twenty-sixth day of April next, and end on the Saturday next following.

That the Sittings for the trial of Causes, appointed by the same Rule for the nineteenth day of April, do commence on Monday, the third day of May next, and end on the Saturday next following.

And that the Term by the same Rule appointed to commence on the tenth day of May next, do commence on Wednesday, the twenty-sixth day of the same month, and end on the Wednesday next following.

SAML. FREDK. MILFORD,
Resident Judge.IN THE SUPREME COURT }
AT MORETON BAY. }

FRIDAY, THE 5TH DAY OF MARCH, A.D. 1858.

REGULA GENERALIS.

It is hereby ordered that all Meetings of Creditors in Insolvent Estates to be held before the twenty-sixth day of April next, and all proof of debts thereat, be held or taken before Gustavus Birch, Esq., the Registrar of this Court.

SAML. FREDK. MILFORD,
Resident Judge.IN THE SUPREME COURT }
AT MORETON BAY. }

MONDAY, THE 18TH DAY OF JANUARY, 1858.

It is ordered that the undermentioned gentlemen do compose the Board for the examination of persons seeking admission to practice as Attorneys, Solicitors, and Proctors of the Supreme Court at Moreton Bay, viz. :—

Ratliffe Pring, Esq., Barrister-at-Law.

Robert Little, Esq., Solicitor.

Daniel Foley Roberts, Esq., Solicitor.

Gustavus Birch, Esq., Registrar of this Court.

SAML. FREDK. MILFORD,
Resident Judge.

IN THE SUPREME COURT }
AT MORETON BAY. }

MONDAY, 28TH DECEMBER, 1857.

REGULÆ GENERALIS.

It is hereby ordered that the Criminal Sittings of the Supreme Court at Moreton Bay, to be holden next after the Session appointed for the eleventh day of January next, do commence on Monday, the twelfth day of April next, and end on the Saturday next following.

That the Sittings for the trial of Causes to be holden next after the Session appointed for the fourth of January next, do commence on Monday, the nineteenth day of April next, and end on the Saturday next following.

And that the Term next after the Term appointed to commence on the twenty-fifth day of January next, commence on Monday, the tenth day of May next, and end on the Saturday next following.

SAML. FREDK. MILFORD,
Resident Judge.

IN THE SUPREME COURT }
AT MORETON BAY. }

WEDNESDAY, THE 28TH DAY OF OCTOBER, A.D. 1857.

It is hereby ordered that all Meetings of Creditors, and all proof of debts thereat, be held or taken before Gustavus Birch, Esq., the Registrar of this Court.

SAML. FREDK. MILFORD,
Resident Judge.

1858.

Legislative Assembly.

NEW SOUTH WALES.

RULES OF COURT.

(MORETON BAY.)

Ordered by the Legislative Assembly to be Printed, 27 August, 1858.

IN THE SUPREME COURT }
 AT MORETON BAY. }

REGULÆ GENERALES.*Friday, the seventh day of May, A.D. 1858.*

It is hereby ordered, that the short Vacation commence on Monday, the fourteenth day of June next, and end on Saturday, the twenty-sixth day of the same month.

That the Sittings for the trial of Criminal Cases commence on Monday, the twelfth day of July, and end on the Saturday next following.

That the Sittings for the hearing of Civil Causes commence on Monday, the nineteenth day of July, and end on the Saturday then next following.

And that the Term commence on Monday, the twenty-sixth day of July, and end on Saturday, the fourteenth day of August, following.

SAML. FREDK. MILFORD,
 Resident Judge.

IN THE SUPREME COURT }
 AT MORETON BAY. }

Wednesday, the second day of June, A.D. 1858.

By His Honor SAML. FREDK. MILFORD, Esquire, the Resident Judge of Moreton Bay, under and by provisions of Acts 20 Vic. Nos. 11 and 25.

1. On the fifth day of January, April, July, and October, in every year (or on the next day, if the fifth be a Sunday or a Holiday,) the Registrar, for and on behalf of His Honor the Resident Judge, as Chief Commissioner of Insolvent Estates, the Registrar, the Curator of Intestate Estates, and the Official Assignee in Insolvency, shall deposit the Trust Moneys which were in their hands, respectively, on the last day of the preceding month as such Registrar, Curator of Intestate Estates, and Official Assignee, in the Colonial Treasury, to be from thence payable as hereinafter in that behalf provided.

2. The said Registrar, Curator, and Official Assignee, shall on the same day file in the Office of the Registrar a list of all money received by them as aforesaid, or their clerks respectively, during the three months next before such days respectively, with an account shewing the gross amount received during that period in each case or estate, the gross amount paid thereout in each, and the balance in hand; and on the same days the accounts shall be filed by the Registrar which are required by the present Rule to be filed by the Master in Equity and Prothonotary on the first Monday of the said months.

3. For every sum so deposited as aforesaid duplicate receipts shall be given by the Colonial Treasurer, (or the officer discharging his duty at the time,) of which one receipt shall be kept by the officer making the payment, and the other to be forthwith filed in the Office of the Prothonotary.

4. On the first day of every month, or on the next day, if the first be a Sunday or Holiday, the said Registrar, Curator, and Official Assignee shall (or may, if he think fit,) deliver to the Colonial Treasurer a memorandum stating the amount which will probably be required by the officer making the same during that month for the payment of sums severally not exceeding five pounds in amount; and the amount specified by every such memorandum shall thereupon be paid by the Colonial Treasurer to such officer, he giving a receipt for the same.

5. A separate account, to be called the "Petty Cash Advance Account," shall be kept by the officers receiving any such amount from the Colonial Treasury, shewing the sums expended out of the same, and the balance remaining in hand on the last day of the month, the amount of which balance shall be stated in the ensuing month's memorandum, and be deducted from the amount therein stated to be required.

6. For every sum exceeding five pounds which may be required by the officers aforesaid respectively, every such officer shall have power to draw a cheque or draft upon the Colonial Treasurer, or some Bank to be named by him, which cheque or draft (to the extent of the moneys then in the Colonial Treasury to the credit of the officer drawing the same) shall be honored by such Bank or Treasurer.

7. Every such cheque or draft shall be payable to bearer, but shall mention therein the name of the person to whom the same is delivered by the officer drawing the same, and the name of the cause, matter, or estate in which or in respect of which the same is drawn, and shall bear the endorsement of the person receiving the same.

SAML. FREDK. MILFORD,
Resident Judge.

IN THE SUPREME COURT }
AT MORETON BAY. }

Saturday, the third day of July, A.D. 1858.

It is hereby ordered, that the Sittings of this Court, for the remainder of the present year be hold on the days hereunder respectively written, that is to say:—

The Sittings for the trial of Criminal Cases shall be holden in the months of September and November, commencing on the twenty-seventh, and Monday the twenty-ninth days of those months respectively, and ending on the Saturday next following such days; the Sittings for the hearings of Civil Causes shall be holden in the months of October and December, commencing on the fourth and the sixth, and ending on the ninth and eleventh days of those months respectively; and the Terms shall be holden in the same months, commencing on the eighteenth and twentieth, and ending on the twenty-third and twenty-eighth days of the same months respectively. And it is further ordered, that Monday, the twenty-seventh day of December, be observed as a Holiday of this Court.

SAML. FREDK. MILFORD,
Resident Judge.

1858.

Legislative Assembly.
NEW SOUTH WALES.

RULES OF COURT.
(MORETON BAY.)

Ordered by the Legislative Assembly to be Printed, 2 November, 1858.

IN THE SUPREME COURT AT }
MORETON BAY. }

REGULÆ GENERALES.

Tuesday, 19th October, A. D., 1858.

It is ordered that so much of the General Rules made and promulgated on the third day of July, by which it is ordered that the Criminal and Civil Sittings be held on 29th November and 6th December respectively, and that Term should commence on 20th December, be revoked.

2. That there shall be three sittings of this Court held for the trial of Civil Causes during the year 1859, to commence on the following days:—The first Monday in January, the third Monday in May, and the first Monday in October, and to terminate on the Saturday next following each of such Mondays. And three Sessions of Gaol Delivery during the same year, to commence on the following days:—The second Monday in January, the fourth Monday in May, and the second Monday in October, and that there shall be three Terms during the same year, commencing and terminating on the following days:—The first Term commencing on the third Monday in January, and terminating on the Tuesday week following; the second Term commencing on the first Monday in June, and terminating on the Tuesday week following; and the third Term commencing on the third Monday in October, and terminating on the Tuesday week following.

3. That there be two Vacations during the said year, viz.—from the 1st to the 28th days of February, both inclusive, and from the 13th to the 30th of June, both inclusive.

4. That all Causes to be tried or heard under the £50 jurisdiction of the Court on any day during the Sittings of the Court, the Rule or Order for which is hereby repealed, be heard or tried on the first Monday in January next, and that all persons served with a summons to appear in the £50 jurisdiction of the Court do appear, in lieu of the time therein fixed, on the first Monday in January next.

5. That all applications which can be made to a Judge out of Court, may be made to the Resident Judge whilst he may be out of the limits of the District which is subject to the jurisdiction of this Court.

SAML. FREDK. MILFORD,
Resident Judge.

IN THE SUPREME COURT AT }
MORETON BAY. }

Tuesday, 19th October, 1858.

In pursuance of the Act of Council 20 Vict., No. 25, s. 20, I hereby direct that all the Meetings of Creditors in any case as occasion may require, and all proof of debts thereat, do take place before the Registrar of this Court until the first Monday in January next.

SAML. FREDK. MILFORD,
Resident Judge.

1858.

Legislative Assembly.
NEW SOUTH WALES.

RULES OF COURT.

(MORETON BAY.)

Ordered by the Legislative Assembly to be Printed, 9 November, 1858.

IN THE SUPREME COURT }
AT MORETON BAY. }

REGULA GENERALIS.

*Monday, the twenty-seventh day of September, in the Year of
Our Lord one thousand eight hundred and fifty-eight.*

In pursuance of the Act of Council, 22 Vict., No. 1, Sect. 2,

It is ordered that, instead of the actual Seizure of Land under any Writ of Execution by the Sheriff, a Notice, in the form under written, or as near thereto as the circumstances of the case will admit, shall be inserted in the *Government Gazette*, and in one or more of the Newspapers published at Brisbane or Ipswich; and such sale shall not take place before the expiration of one calendar month from the insertion of the said Notice in the *Government Gazette* and Newspaper or Newspapers.

Notice referred to in the foregoing Rule.

A. B. v. C. D.

TO ALL PERSONS CONCERNED:—Take notice that a Writ of *Fi Fa* has been issued upon a Judgment obtained by the Plaintiff in this Action, and that all the right, title, and interest of the Defendant of and in all that, &c., will be sold by the Sheriff at Moreton Bay, at
of the clock, on the day of

SAMUEL FREDERICK MILFORD.

1858.

Legislative Assembly.

NEW SOUTH WALES.

APPOINTMENT OF A FOURTH JUDGE.

(LETTER FROM CHIEF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 30 March, 1858.

THE CHIEF JUSTICE to THE COLONIAL SECRETARY.

*Supreme Court,**27 February, 1858.*

SIR,

On the 20th instant I addressed a letter to the Attorney General, which I presume has been communicated to the other members of the Government, suggesting the measure of again obtaining the assistance of Mr. Justice Milford, for the purpose of aiding in the disposal of the Equity, Ecclesiastical, and Insolvency business. And, in accordance with the intimation conveyed in that letter, I now forward the present representation, addressed to yourself, in a view to the appointment permanently of a Fourth Judge, to preside exclusively over those branches of our jurisdiction; and to whom might also be confided the Vice-Admiralty jurisdiction, which it is my intention immediately to resign.

2. To persons who venture to express opinions on important public subjects, without adequate knowledge of them, or any means taken to acquire that knowledge, it may seem an easy task to dispose of the mass of business with which the Supreme Court is now oppressed; and to have prevented accumulation and arrears, by some as yet undisclosed process known only to themselves. But those who have experience in the conduct of causes, and who are familiar with the proceedings of Courts, not in this Colony alone, but elsewhere, will have no difficulty in arriving at the conclusion, that the enormously increased amount of litigation, and the time consumed in disposing of it, are results uncontrollable by Judicial or Legislative interposition; and that the existing accumulation is induced by the law business of the community having outgrown the numerical strength of the Bench, which is not greater now than it was thirty years ago.

3. It is impossible, I conceive, to read attentively the evidence taken before the late Committee of the Legislative Council, and their very able Report, without arriving at this conclusion; and it follows that, if the appointment of an additional Judge be not speedily made, the suitors of the Court will practically be denied the means of obtaining justice. It will be sufficient in support of this position to adduce the following facts;—first, that double sittings for Causes were unknown in the Court until within the last three years, whereas now they are resorted to throughout the year; secondly, that each Circuit formerly averaged six days or less, whereas now the Judges frequently sit twelve, or sometimes fifteen days, and even then leave causes untried; and, thirdly, that, notwithstanding these prolonged sittings, and repeated instances of a third Judge being contemporaneously engaged in hearing Equity Causes or in Chamber business, there is a serious arrear in almost every branch of the jurisdiction of the Court.

4. The amount of pending business may be estimated more readily by a perusal of the enclosed list, which comprises the common Law Motions only. One of these cases, now ready for hearing, involves property worth above £300,000, and several very difficult legal questions, the arguments on which alone will probably extend over some days. There is in addition to these matters a long list of Equity cases. But on this day week one of the Judges must leave Sydney for the Circuit, and, in four days afterwards, a second will follow on the same duty—his probable absence from Sydney exceeding three weeks.

5. I trust that the unworthy suspicion will not be entertained, that the additional Judgeship is suggested for any reasons of convenience to those who now occupy the Bench. For myself and for my colleagues I venture to say this, that the Judges of New South Wales have, for above three years past, undergone an amount of mental and bodily fatigue in the discharge of their duties which most certainly no Judges in England (or I believe elsewhere) have been called on to endure; and *that* in a climate very unfavorable to continuous severe exertion. I will add, too, for a remuneration far less in comparison with the increased expense of living than we enjoyed when first appointed to office, and much less than the incomes of practitioners in our own Court, and of most other persons in our social position and rank in life. But, remedied as this particular matter recently has been by the justice of the Legislature, I make no complaint for myself of the labour imposed upon me, though I am rendered painfully conscious that my strength and health must prematurely fail from the undue pressure. The question, however, is a grave one, whether the public really desires, or is entitled to require such a sacrifice. And I venture to submit that, even were it so, nothing is gained by withholding from these high functionaries (the nature of their duties being considered) reasonable opportunities for study, as well as for general reading, and moderate recreation.

6. But, whatever opinion may be formed on these points, the necessity for assistance will remain the same. The ground on which I rest the application for an additional Judgeship is, that the three Judges cannot sit oftener, or accomplish more, than they already do; and that, therefore, without an increase of the number, arrears must continue and be augmented. The double Sittings, Criminal and Civil, six times yearly, with six Terms, the Circuits and almost incessant Chamber Business, besides Equity and Insolvency superadded, leave indeed no open day for consultations, and scarcely one in each week for that occasional relief from Court duty which is so essential to health, or for that degree of separate and deliberate research which the right decision of questions of law demands. The double Sittings were in fact established in the expectation of farther judicial assistance, and without it, in my opinion, the system must ere long be abandoned.

7. Some remarks were made in the course of a discussion, to which I need not more particularly allude, to the effect that the Judges might save a large amount of time by preventing lengthy speeches, and cross-examinations, and by more rigorously refusing New Trials. Now, Sir, I have no desire to speak disrespectfully of any one; but such observations could have arisen only from ignorance, or want of reflection in the speaker. No person, in any degree acquainted with the Rules of Law, and accustomed to the proceedings of an English Court, would deliberately so express himself; and still less use the remarks as an argument on a question so little affected by them. For, what proportion does the time supposed to have been *wasted* bear to the time legitimately occupied? And what experience or knowledge entitled this gentleman to denounce learned and upright men, guilty only of an anxious desire to elicit truth, and finally do justice, as thereby *wasting time*?

8. I venture to say, that were one-half the number of new trials abolished, and the addresses of Counsel diminished in length one-third, three Judges could no more prevent arrears in the multifarious branches of the Supreme Court's jurisdiction than they can now. The longest new trial known in this Colony (that of *Devine v. Wilson*, in October last,) was in fact directed by the Queen in Council. And how many cases had the critic studied and understood so as to enable him to determine that this Court granted such Trials unnecessarily? In England, New Trials in very important Causes are common; for any one erroneous opinion of perhaps many formed necessarily without time for deliberation, and every piece of evidence wrongly received or rejected, confers on the losing party (as the law now stands) the right to another inquiry. Thus the great case of *Tatham v. Wright* was tried four times; and it is remarkable that a New Trial having been refused on the first occasion after a verdict for the defendant, a second suit was
instituted,

nstituted, in which, notwithstanding vigorous opposition, the plaintiff was successful. He who desires to know the various circumstances which in this Colony lead to lengthened Trials, and who would fairly judge how far and by what means they can be prevented, may inform himself by perusing the evidence before the Legislative Council Committee. But persons unacquainted with pleading, or not knowing the precise points under inquiry in a case, are incompetent to say whether a Counsel's address should be abridged or not, and if a Judge who (it is said) ought to interpose, were on any occasion to assign the appropriate limit, how could he compel adherence to the prescribed boundary?

9. A more popular objection to the proposed increase, I suspect, is founded on the circumstance that the Judges have seats in the Legislature, and the observation has been made, that it is clear they have time at their disposal, since their Honors are frequently found taking part in Legislative duties. Permit me, therefore, to say a few words as to this objection.

10. It is not my purpose to enter at length into any discussion respecting either the necessity of a Second Chamber, or the materials of which it ought to be composed. Men who reject all the experience of others, and despise every opinion the result of profound reflection and learning, if not in accordance with their own crude and narrow views, may oppose every such institution, or favor none which shall possess substantial independence, and whose members have the attributes or qualities which would induce and enable them under all circumstances to assert and maintain it. Men with such views will of course regard the presence of Judges in a Second Chamber as intolerable. I, on the contrary, sanctioned by authority too eminent to be wholly disregarded, and being deeply interested in the welfare of a country to which I am bound by indissoluble ties, have ever entertained opinions favorable to a second Legislative Body; not, however, to exist for the small purposes of party warfare, but to aid in the noble task of legislating for the general good, and to operate as a check when necessary upon hasty measures, and as a corrective of ill-considered projects or enactments badly framed.

11. I accepted, therefore, a seat in the Legislative Council from a sense of duty to my fellow colonists, believing that after long experience in the making and administering of laws, I should be of service to the community in the honorable office which I thus assumed. And in endeavouring to discharge that duty, I deny that any other has been neglected. The Parliamentary Session lasts ordinarily seven months, during which the Council sits three times a week only, and at hours not appropriated by Court business, but which men usually devote to exercise or to their families. It may be said that every evening should be occupied by us in strictly judicial labors if in any. The reply is, that no man who is engaged on the average six hours daily, but frequently nine or more hours in a heated and unwholesome Court, or in close and severe continuous attention to legal studies, could possibly, in this climate, devote more than two evenings in the week, if so many, to similarly severe mental labor. One might reasonably submit, indeed, that no community can possess the right to exact so much. But the participation merely in a Legislative debate, or the giving up of a few hours occasionally to the preparation or correction of a law, is an employment of a character so much more light as to constitute relaxation. And that the community has already received considerable benefit from these exertions, and would experience much more when the political atmosphere shall have been sufficiently cleared, to permit Legislators to attend only to measures of improvement in the laws, a future generation will not be slow in discovering.

12. I might easily give many instances of amendments now urgently required, on which no one would contend that the Judges are not among the most competent to assist in legislating, and of some passed, or introduced, already at their instance, which will endure the test of time. But I abstain. My object is not so much to defend my past course, or advocate a continuance of my seat in the Council, as to avoid the imputation of inconsistency, or a change of opinion, in now expressing my readiness to retire from that position. I still think, as strongly as ever, that if the Houses of Parliament be not designed for exciting and profitless discussion, but for the great business of deliberating on, and passing, sound and wholesome laws, of which none can be more important than those affecting the Administration of Justice, the Judges, or some of them, should be in one of the two. But, whatever may be my obligations as a member of the body politic, my first duty is clearly to the suitors of my own Court. If, therefore, I shall be assured by your Government that my retirement

APPOINTMENT OF A FOURTH JUDGE.

is essential to the success of the measure recommended by me, so satisfied am I of the necessity of that measure that I have no hesitation in making the sacrifice, and on the morning after the proposed Bill shall have received the Royal Assent I will place the resignation of my Seat in His Excellency's hands.

13. I have thus endeavored to meet all the objections which have either been made, or which it is suggested are likely to be made, to the permanent appointment of another Judge. And, although personally unaffected by the decision, I offer the strongest pledge in my power of my anxiety to see the measure, in connection with the others of which it forms a portion, speedily accomplished. The result is not in my hands; and whatever it may be, my services to the public will, in future, be less extensive than they hitherto have been. By no means indifferent to the good opinion of my fellow men, I have yet not altogether looked to the fleeting impressions of the day for appreciation or reward. And after a career of nineteen years, unbroken at any time by more than a few weeks absence, my present determination will not be misunderstood by those who know how little leisure I have enjoyed during that period. But I must henceforth content myself with my own necessary sphere of labor, abandoning all those hopes of more enlarged usefulness which circumstances appear to deny me.

I have, &c.,

ALFRED STEPHEN.

THE HONORABLE
THE COLONIAL SECRETARY.

1858.

Legislative Assembly.

NEW SOUTH WALES.

PROPOSED APPOINTMENT OF A FOURTH JUDGE.

(PETITION OF SOLICITORS, &c.)

Ordered by the Legislative Assembly to be Printed, 23 July, 1858.

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

The Humble Petition of the undersigned Solicitors, Attorneys, and Proctors, practising in the Supreme Court of New South Wales,—

SHEWETH AS FOLLOWS:—

That the Common Law Business of the Supreme Court has become so heavy, and arrears have accumulated to so great an extent, that their Honors have, for some months past, found it impossible to sit for the hearing and disposal of Equity matters, which are of equal, and in some cases of greater importance than the matters the subject of action-at-law.

With the greatly increasing amount of litigation, your Petitioners see no probability of the disposal by the present number of Judges, within any reasonable time, even of the outstanding cases.

Your Petitioners deem it not improper to observe, that nothing adds so much to the expense of suits as delay in the administration of justice, and that too frequently important facts are, from continued postponements, overlooked in the ultimate argument of the case. Indeed, in some instances, when hearing has been from time to time adjourned, Counsel are compelled to re-state their cases and to repeat arguments, the Judges from the length of time occurring between the statement and the final argument of the case might otherwise have forgotten. It has been well observed, that the delay that takes place in the disposal of legal business involves almost a denial of justice.

Your Petitioners are aware that an impression is very generally entertained, that the creation of District Courts, by absorbing much of the business now transacted in the Supreme Court, will cure many of the evils your Petitioners complain of. Your Petitioners, however, believe that the relief afforded by the District Courts will but slightly affect the business of the Supreme Court. The Judges of the District Courts, from the very nature of the constitution of those Courts, will be unable, satisfactorily, to decide questions of such importance as those brought before the Supreme Court; they will also be fully occupied with local business of a small but important nature, which will probably fully keep pace with their power to dispose of it. Your Petitioners are led to this conclusion by observing the operation of Local Courts in England, Ireland, and the adjoining Colony of Victoria; and their opinion is strengthened by observing the business disposed of by the Courts of Requests in the County of Cumberland, in this Colony. It must also be borne in mind, that appeals from the Inferior Courts may greatly add to the labor of the Judges of the Supreme Court.

Under these circumstances, your Petitioners beg firmly, but respectfully, to impress upon your Honorable House the urgent necessity for the appointment of a fourth Judge, whose duty should be, if necessary, solely to attend to matters coming within the Equitable Jurisdiction of the Supreme Court.

Your Petitioners submit this their earnest Petition to the favorable consideration of your Honorable House, in the full confidence that the subject will meet the attention its deep importance to the country demands.

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

[Here follow 52 Signatures.]

1858.

Legislative Assembly.

NEW SOUTH WALES.

MORETON BAY JUDGE'S APPOINTMENT BILL.

REPORT FROM THE SELECT COMMITTEE

ON THE

MORETON BAY JUDGE'S APPOINTMENT BILL;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

31 August, 1858.

SYDNEY :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

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EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 6. WEDNESDAY, 31 MARCH, 1858.

8. Moreton Bay Judge's Appointment Bill:—Mr. Martin having *presented* this Bill, Bill, intituled, "A Bill to authorize the Appointment of a Judge (other than one of the *present Judges*) for the Supreme Court at Moreton Bay," read a first time,—
Whereupon Mr. Martin moved, pursuant to *contingent* notice,—
(1.) That a Select Committee be appointed to inquire into and report upon the Moreton Bay Judge's Appointment Bill.
(2.) That such Committee consist of the following Members:—Mr. Buckley, Mr. Deniehy, Mr. Donaldson, Mr. Faucett, Mr. Gordon, Mr. G. Macleay, Mr. Owen, Mr. Piddington, and Mr. Williamson.
Debate ensued.
And Mr. Dickson having required that the proposed Committee, if granted, be appointed by Ballot,—
Question (1.)—That a Select Committee be appointed to inquire into and report upon the Moreton Bay Judge's Appointment Bill—put and passed;—
Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be, with the Mover, the Committee duly appointed,—viz., Mr. Piddington, Mr. Gordon, Mr. Owen, Mr. Donaldson, Mr. George Macleay, Mr. Williamson, Mr. Buckley, Mr. Dickson, and Mr. Deniehy.

VOTES NO. 10. TUESDAY, 13 APRIL, 1858.

11. Moreton Bay Judge's Appointment Bill:—
(1.) Mr. Owen moved, pursuant to notice, That the Legislative Council be requested to communicate to this House a copy of the Report and Proceedings of their Select Committee of last Session upon the "Business of the Supreme Court," with a view to its being referred to the Select Committee of this House on the "Moreton Bay Judge's Appointment Bill."
Question put and passed;—
Whereupon Mr. Owen moved, That the following Message be carried to the Legislative Council:—
The Legislative Assembly having this day passed a Resolution "That the Legislative Council be requested to communicate to this House a copy of the Report and Proceedings of their Select Committee of last Session upon the 'Business of the Supreme Court,' with a view to its being referred to the Select Committee of this House on the 'Moreton Bay Judge's Appointment Bill,' begs now to request that the Legislative Council will communicate the same accordingly.
Legislative Assembly Chamber,
Sydney, 13 April, 1858. Speaker.
- Question put and passed.
(2.) Mr. Owen moved, pursuant to *amended* notice, That the following documents be referred to the Select Committee on the "Moreton Bay Judge's Appointment Bill," viz.:—
1. Report of the Law Commission, of which His Honor the Chief Justice was Chairman; ordered to be printed 14 June, 1849.
2. Observations on the present and probable future wants of the Colony, in connexion with the Administration of Justice—signed Alfred Stephen, C.J., J. N. Dickinson, R. Therry; ordered to be printed 4 July, 1855.
3. Correspondence between His Honor the Chief Justice and the Honorable the Attorney General, relative to Mr. Justice Milford's leaving Moreton Bay; ordered to be printed 24 March, 1858.
4. Copy of a letter from His Honor the Chief Justice to the Honorable the Colonial Secretary, dated 27th February, 1858, having reference to the appointment of a Fourth Judge; ordered to be printed 30th March, 1858.
5. A Numerical Return of all Causes tried, and of all Motions or Applications made before the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855,—specifying the name or names of the officiating Judge or Judges in each case, and the number of days occupied in such adjudications or decisions.
6. A Numerical Return of all new Trials granted by the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855,—specifying the name or names of the Judge or Judges who tried the original case, the reasons—*if on record*—succinctly stated, why, in each case, the new Trial was granted,—and the number of days occupied in each of such adjudications or decisions.
7. A Numerical Return of all Judgments reserved by the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855,—specifying the

the name or names of the officiating Judge or Judges, the reasons—if on record—succinctly stated, why, in each case, Judgment was reserved—and the number of days occupied in each of such adjudications or decisions.
Question put and passed.

VOTES NO. 11. WEDNESDAY, 14 APRIL, 1858.

8. Moreton Bay Judge's Appointment Bill :—The Speaker reported that whilst the House was in Committee the following Message had been received from the Legislative Council :—

MR. SPEAKER,

The Legislative Council, in compliance with the request contained in the Legislative Assembly's Message of yesterday's date, transmits herewith a copy of the Report and Proceedings of its Select Committee of last Session upon the "Business of the Supreme Court."

*Legislative Council Chamber,
Sydney, 14 April, 1858.*

W. W. BURTON,
President.

Report and Proceedings, on motion of Mr. Cowper, on behalf of Mr. Owen, referred to the Select Committee on the Moreton Bay Judge's Appointment Bill.

VOTES NO. 29. TUESDAY, 18 MAY, 1858.

24. Attendance of Member of Legislative Council :—Mr. Martin moved, without previous notice, That the following Message be carried to the Legislative Council :—

The Legislative Assembly having appointed a Select Committee to inquire into and report upon the Moreton Bay Judge's Appointment Bill, and that Committee being desirous to examine the Honorable Isidore John Blake in reference thereto, begs to request that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.

*Legislative Assembly Chamber,
Sydney, 18 May, 1858.*

Speaker.

Question put and passed.

VOTES NO. 30. WEDNESDAY, 19 MAY, 1858.

10. Messages from the Legislative Council :—The Speaker reported that whilst the House was in Committee the following Messages were received from the Legislative Council :—

* * * * *

(2.) Attendance of Member of Legislative Council.

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 18th instant, requesting leave for the Honorable Isidore John Blake, a Member of the Legislative Council, to attend and be examined before a Committee of the Legislative Assembly on the Moreton Bay Judge's Appointment Bill, the Council acquaints the Legislative Assembly that leave has been granted to Mr. Blake to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 19 May, 1858.*

W. W. BURTON,
President.

VOTES NO. 48. TUESDAY, 22 JUNE, 1858.

15. Attendance of Member of Legislative Council :—Mr. Owen moved, That the following Message be carried to the Legislative Council :—

The Legislative Assembly having appointed a Select Committee to inquire into and report upon the Moreton Bay Judge's Appointment Bill, and that Committee being desirous to examine the Honorable Robert M'Intosh Isaacs, Esquire, in reference thereto, begs to request that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.

*Legislative Assembly Chamber,
Sydney, 22nd June, 1858.*

Speaker.

Question put and passed.

VOTES No 51. FRIDAY, 25 JUNE, 1858.

13. Messages from the Legislative Council :—The Speaker reported that during the Debate on the motion for the third reading of the Deserted Wives and Children's Act Amendment Bill, the following Messages were received from the Legislative Council:—

(1.) Attendance of Member of Legislative Council :—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 22nd instant, requesting leave for the Honorable Robert McIntosh Isaacs, a Member of the Legislative Council, to attend and be examined before a Committee of the Legislative Assembly, upon the Moreton Bay Judge's Appointment Bill, the Council acquaints the Legislative Assembly that leave has been granted to Mr. Isaacs to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
Sydney, 24 June, 1858.*

W. W. BURTON,
President.

* * * * *

VOTES No. 85. TUESDAY, 31 AUGUST, 1858.

2. Moreton Bay Judge's Appointment Bill :—

(1.) Mr. Martin, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before the Select Committee for whose consideration and report this Bill was referred on the 5th of March last, together with the said Bill, as agreed to in the Committee.

Ordered to be printed.

(2.) Mr. Martin moved, That the second reading of this Bill stand an Order of the Day for Thursday next.

Question put and passed.

1858.

MORETON BAY JUDGE'S APPOINTMENT BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 31st March, 1858, to inquire into and report upon the "*Moreton Bay Judge's Appointment Bill*," and to whom, on the 13th April last, were referred "*certain Documents relating to the Administration of Justice in the Colony*," and on the 14th of the same month, "*a copy of the Report and Proceedings of the Select Committee of the Legislative Council of 1857 upon the Business of the Supreme Court*,"—have agreed to the following Report:—

Your Committee having taken the evidence of His Honor the Chief Justice, of three Barristers and of two Solicitors of the Supreme Court, and having carefully considered the various papers and documents referred to them, including the Report of the Select Committee of the Legislative Council upon the the "*Business of the Supreme Court*," and the Evidence appended thereto, have arrived at the conclusion that the necessity at the present moment for the appointment of an additional Judge of the Supreme Court has been proved; and they therefore recommend the passing of the Bill to authorize such appointment.

As, however, it is possible that the business of the Supreme Court may be very much diminished in extent by the operation of the new District Courts, your Committee would at the same time recommend that a clause be inserted in the Bill to provide that in the event of a vacancy occurring on the Bench after the appointment of such additional Judge the number of Judges shall not, without the authority of the Parliament, be again increased beyond three.

JAMES MARTIN,
Chairman.

Legislative Assembly Chamber,
Sydney, 31 August, 1858.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 9 APRIL, 1858.

Members Present:—

Mr. Donaldson,	Mr. Owen,
Mr. G. Macleay,	Mr. Williamson,
Mr. Piddington,	Mr. Dickson.

Committee appointed Mr. Martin to be their Chairman.

Mr. Owen, in the absence of the Chairman, was called to the Chair.

The Honorable Sir Alfred Stephen, Knight, Chief Justice, and a Member of the Legislative Council, present.

Committee deliberated as to what should be their course of procedure in the absence of Mr. Martin, who, as Attorney General, was prosecuting in the case of the Queen v. Wilkes.

Motion made (Mr. Donaldson) and *Quest on*,—"That as His Honor the Chief Justice was present for the purpose of tendering certain information to the Committee relative to the Bill referred for their consideration, he be at once requested by the Chairman to hand in any documentary evidence he may have with him; but that his examination in chief by the Committee be postponed, until Mr. Martin is enabled to attend himself and conduct the same"—*agreed to*.

Whereupon the Honorable Sir Alfred Stephen, examined.

Committee further deliberated, and it was *Resolved*:—

That a Motion be made in the House requesting "That the Legislative Council be requested to communicate to this House a copy of the Reports and Proceedings of their Select Committee of last Session upon the 'Business of the Supreme Court,' with a view to its being referred to the Select Committee of this House on the 'Moreton Bay Judge's 'Appointment Bill:'"

And that the following documents be referred to the Committee, viz.:—

- "(1.) Report of the Law Commission, of which His Honor the Chief Justice was Chairman; ordered to be printed, 14 June, 1849.
- "(2.) Observations on the present and probable future wants of the Colony, in connexion with the Administration of Justice—signed Alfred Stephen, C. J., J. N. Dickinson, R. Therry; ordered to be printed, 4 July, 1855.
- "(3.) Correspondence between His Honor the Chief Justice and the Honorable the Attorney General, relative to Mr. Justice Milford's leaving Moreton Bay; ordered to be printed, 24 March, 1858.
- "(4.) Copy of a letter from His Honor the Chief Justice to the Honorable the Colonial Secretary, dated 27th February, 1858, having reference to the appointment of a Fourth Judge; ordered to be printed, 30th March, 1858."

[Adjourned.]

WEDNESDAY, 18 MAY, 1858.

Members Present:—

The Honorable James Martin, Esq., in the Chair.

Mr. G. Macleay,	Mr. Owen,
Mr. Williamson,	Mr. Deniehy,
Mr. Donaldson,	Mr. Dickson.

By direction of the Chairman, Resolution of the House, referring to Committee on 13th instant, certain Papers moved for at the request of the Committee, together with the three undermentioned Numerical Returns, viz.:—

- "A Numerical Return of all Causes tried, and of all Motions or Applications made, before the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855,—specifying the name or names of the officiating Judge or Judges in each case, and the number of days occupied in such adjudications or decisions."
- "A Numerical Return of all new Trials granted by the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855,—specifying the name or names of the Judge or Judges who tried the original case, the reasons—if on record—succinctly stated, why, in each case, the Trial was granted,—and the number of days occupied in each of such adjudications or decisions."
- "A Numerical Return of all Judgments reserved by the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855,—specifying the name or names of the officiating Judge or Judges, the reasons—if on record—succinctly stated, why, in each case, Judgment was reserved—and the number of days occupied in each of such adjudications or decisions"—

read by the Clerk.

By direction of the Chairman, Message from the Legislative Council, communicating to the House a copy of the Report and Proceedings of their Select Committee of last Session, upon the "Business of the Supreme Court," in compliance with a Message requesting such communication sent on the 13th instant, together with an Order of the House referring the said Report and Proceedings to the Committee,—read by the Clerk.

The Honorable Sir Alfred Stephen, attending by permission of the Legislative Council, further examined.

At

At the close of the witness' examination, the Chairman informed the Committee that he had also requested the attendance of the Honorable I. J. Blake, a Member of the Legislative Council, for the purpose of taking his evidence on the Bill; that Mr. Blake was present and willing to be examined; and that a Message from the House formally requesting leave for the Honorable Member to attend would be carried to the Legislative Council this day;—

Committee thereupon *Resolved* :—

“That any evidence relative to this Bill which the Honorable I. J. Blake be willing to give be now taken.”

The Honorable *I. J. Blake*, Barrister-at-Law and a Member of the Legislative Council, then examined.

[Adjourned.]

THURSDAY, 24 JUNE, 1858.

Members Present :—

Mr. Owen, | Mr. Piddington.

Mr. *W. G. M'Carthy*, Solicitor, was in attendance as a witness, but a Quorum of the Committee not being present—

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

TUESDAY, 29 JUNE, 1858.

Members Present :—

Mr. Owen, | Mr. Buckley.

Mr. *W. G. M'Carthy* and Mr. *R. Banbury*, Solicitors, were in attendance as witnesses, but a Quorum of the Committee not being present :—

[Adjourned till Friday next, at *Eleven* o'clock.]

FRIDAY, 2 JULY, 1858.

Members Present :—

Mr. Owen, | Mr. Deniehy,
Mr. Donaldson, | Mr. Buckley,
Mr. G. Macleay.

Mr. Owen, in the absence of the Chairman, was called to the Chair.

Mr. *W. G. M'Carthy*, Solicitor, of the firm of Holden and M'Carthy, and Mr. *Robert Banbury*, Solicitor, examined.

Committee deliberated.

[Adjourned till Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 8 JULY, 1858.

The Meeting of the Committee convened for this day lapsed, in consequence of the adjournment of the House from Tuesday, 6th instant, till Tuesday, 13th instant, owing to the demise of the Venerable Archdeacon Cowper, father of the Principal Secretary.

FRIDAY, 23 JULY, 1858.

Members Present :—

The Honorable James Martin, Esq., in the Chair.

Mr. Owen, | Mr. Buckley.

Mr. *Henry Cary*, Barrister-at-Law, examined.

The Honorable *R. M. Isaacs*, attending by permission of the Legislative Council, examined.

Committee deliberated, and it was *Resolved* :—

- “ 1. That sufficient evidence has now been taken for the purposes of this inquiry.
- “ 2. That the evidence be printed as speedily as possible, and a copy thereof transmitted to each Member of the Committee.
- “ 3. That the next meeting convened be for the purpose of considering the Bill, “ and reporting thereon.”

[Adjourned.]

FRIDAY, 27 AUGUST, 1858.

Members Present :—

The Honorable James Martin, Esq., in the Chair.

Mr. Buckley, | Mr. Owen.

Mr. Donaldson.

The Chairman stated that he was informed by the Clerk that a printed copy of the whole of the evidence taken had been transmitted to each Member of the Committee, in accordance

accordance with the Resolution agreed to on the 23rd ultimo,—and consequently he had caused a meeting of the Committee to be convened for this day to consider the Bill and heads of Report.

Committee deliberated.

Motion made (Mr. Donaldson) and Question,—

“ 1. That, inasmuch as only four Members of the Committee are now present, “ it is inexpedient to proceed to the consideration of the Bill and heads of “ Report *this day*.”

“ 2. That the Chairman be requested to prepare a Draft Report to be considered “ and *finally* determined on upon Tuesday next; that the consideration of the “ Bill be postponed until that day; and that the Members of the Committee “ be duly informed to this effect when requesting their attendance”—*agreed to*.

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

TUESDAY, 31 AUGUST, 1858.

Members Present :—

The Honorable James Martin, Esq., in the Chair.

Mr. Donaldson,
Mr. Buckley,

Mr. Williamson,
Mr. Gordon.

The Chairman laid before the Committee a Draft Report.

Draft Report, proposed by the Chairman, read 1^o.

Committee deliberated.

Motion made (Mr. Donaldson) and Question,—“ That this Draft Report be now “ read 2^o”—*agreed to*.

Draft Report read 2^o accordingly.

Committee further deliberated, and amended the same.

Draft Report having then been read 3^o;—

Motion made and Question,—“ That this Report as amended be the Report of the “ Committee”—*agreed to*.

Committee then considered the Bill, and agreed to report the same to the House *without amendment*, but with the understanding that on the committal of the Bill in the House the Chairman should be prepared with a new clause, to be then introduced into the Bill, for the purpose of carrying into effect the recommendation contained in the last paragraph of the Report just agreed to.

Chairman requested to report to the House.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

MORETON BAY JUDGE'S APPOINTMENT BILL.

FRIDAY, 9 APRIL, 1858.

Present:—

MR. DICKSON,
MR. DONALDSON,
MR. G. MACLEAY,

MR. OWEN,
MR. PIDDINGTON,
MR. WILLIAMSON.

ROBERT OWEN, ESQ., IN THE CHAIR.

The Honorable Sir Alfred Stephen, Knight, C. J., examined:—

1. *By the Chairman*: You are Chief Justice of the Supreme Court? I am: I have been so many years.
2. In the absence of the Attorney General, it is not thought advisable to enter upon your examination at length to day; but the Committee would be obliged if you would now produce any documents which bear upon the necessity for the appointment of a fourth Judge? I have no documents, properly so called, to lay before the Committee; but I have prepared a written statement, respecting the causes tried before me recently at Maitland, showing the proportion which the smaller causes bear to the greater, in point of value, and in point of consumption of time, in order to enable the Committee the better to form an opinion to what extent the establishment of District Courts may diminish the business of the Supreme Court. I now hand in that statement. (*The Witness handed in the same. Vide Appendix A.*) I have also caused to be prepared a statement of the number of New Trial Motions made during the years 1856 and 1857 respectively, with the number of Causes tried in those years, and of the cases in which a new trial was granted. That document I also beg to hand in. (*The Witness handed in the same. Vide Appendix B.*) An opinion may be formed from this latter statement, of the extent to which such motions add to the amount of business.
3. Have you any list showing the number of cases under £100? I have not. I will cause a Return to be made of the amounts sued for in the Supreme Court, during those years, above £100, and under £100, respectively; but the preparation of this last Return may occupy a considerable time, and the amounts actually sued for cannot always be accurately ascertained merely by the records.

The Hon. Sir
A. Stephen,
Knight, C.J.
9 April, 1858.

APPENDIX A.

ANALYSIS OF MAITLAND CAUSES.

There were 13 Causes tried by me at the last Maitland Circuit. Although thus comparatively few, they occupied 12 days; comprising 128 hours in the whole—or, deducting the time given up to refreshment, 120 hours of actual sitting. There were 24 Causes entered for trial, and disposed of; some being (since further delay was impossible) compromised, or referred to arbitration, or withdrawn, or decided by the fate of some other cause tried.

Of the 13 tried, no less than 6 were respectively for sums under £100; and (although one certainly involved the right to other claims exceeding one hundred pounds), they might have been advantageously disposed of in a District or other inferior Court. Hence the conclusion would be hastily drawn, that *therefore* nearly one half of the time of the Circuit Court might have been saved, had such a Tribunal been in existence. No fallacy, however, could well be greater; as the following statement will show. The 6 small suits occupied,

The Hon. Sir A. Stephen, Knight, C.J. in the whole, less than 12 hours. The 7 more important Causes consumed 108. So that, judging by this test, a District Court would only relieve the Supreme Court of its labours, to the extent of (as 12 is to 120) one tenth.

9 April, 1858.

The intricacy and difficulty of a Cause, indeed, are by no means universally in proportion to the sum at stake; and one of the 6 cases, (*Maher v. Molloy*), involving charges of negligence by way of set off, occupied 4 hours out of the 12 mentioned by me. Nevertheless, the *actual time* employed on trials will, I think, be found to be pretty accurately measured, in general, by the value of the thing in controversy. In the Newtown Ejectment Case, which lasted 15 days, a property was sued for, said to be worth £300,000. In one of the 7 Maitland Causes,* a tract of country was incidentally in dispute, valued at several thousand pounds; and the trial extended into a 5th day. In another,† comprehending a variety of grounds of action, met by above a dozen charges of misconduct, partly in bar of the claim, and partly by way of set off, the claim and counter-claim exceeded £1,000. There were 18 witnesses examined, and the trial lasted above 3 days. In a third Case‡, the questions similarly in contest, (*i. e.* under a counter-claim for injuries sustained by bad work), involved an amount of £700, or thereabouts; and the trial lasted a whole day, and upwards.

I was only enabled, however, to try these Causes at all, by the assistance of a fourth Judge. Had not Mr. Justice Milford been in Sydney, I must have returned there after trying the two first; or have incurred the serious responsibility of abandoning the seat of Government, where all suits in the Supreme Court are initiated, to a Judicial interregnum of above a fortnight, which would have been most dangerous. I evinced my sense of the temporary concession of a fourth Judge, by crowding the labours of 16 or 18 days into 12; in order that, while clearing off all Circuit arrears at Maitland, I might have time to dispose of certain arrears in Equity, which required the presence of two Judges here.

* *M'Dougall v. Bales*:—damages £350.
 † *Hawkins v. Warland*:—debt and damages £352.
 ‡ *Scanlon v. Christian and Others*:—amount of verdict £165.

APPENDIX B.

IN THE SUPREME COURT OF NEW SOUTH WALES.

A RETURN showing the number of New Trial Motions entered for argument; the number argued; and the New Trials granted, in the years 1856 and 1857.

1856.

New Trial Motions Entered.	New Trial Motions Argued.	New Trials Granted.	Remanets.
70	59	26	11
1857.			
55	28	9	27

REMARKS.

The cause of 11 New Trial Motions remaining unheard during the year 1856 appears to have been a general press of Banco business.—36 Demurrers and Special Cases, 33 Rules Nisi, and a great many Motions not entered in the Prothonotary's Paper, were disposed of; besides Insolvency matters and Equity. Some of the longest arguments by which the Court was occupied were in the Cases of *Mortimer v. Mort*,—*Edwd. Lord, Mary Lord, and Geo. Lord* (three separate Actions) *v. The City Commissioners*,—*Kirchner v. Venus*,—*M'Dougall v. Christian*,—and *Grenfell v. M'Donald*. The large number of Remanets in the year 1857 was owing to the very lengthy arguments that occupied the Court in many Cases; among others, *Kirchner v. Venus*, and *Mortimer agst. Mort* (Motions for a second New Trial,) and *Macfarlane v. Murnin*. Also, *Devine* and another *v. Wilson*, (application to change Venue,)—*Devine* and another *v. Wilson*, (application to read Judge's Notes on New Trial,) very long arguments. During the Fourth Term, no New Trial Motions could be heard, owing to two of the Judges being fully engaged—one in the trial of *Devine* and another *v. Wilson* and others, which occupied 30 days, and the other in disposing of the arrears in the Jury Court Cause List.

D. B. HUTCHINSON,
 Chief Clerk of the Supreme Court.

WEDNESDAY,

WEDNESDAY, 19 MAY, 1858.

Present:—

Mr. MARTIN,
Mr. DONALDSON,
Mr. WILLIAMSON,

Mr. G. MACLEAY,
Mr. DENIEHY,
Mr. DICKSON,

Mr. OWEN.

THE HONORABLE J. MARTIN, Esq., IN THE CHAIR.

The Honorable Sir A. Stephen, Knight, C.J., called in and further examined:—

1. *By the Chairman:* Have you any papers, Sir Alfred, to lay before the Committee bearing upon the subject of the present inquiry? I hand in a paper (adverted to on my former examination) shewing the annual arrangements of the Court; from which the Committee will be enabled to perceive whether any additional time is at the Judges' disposal.
2. That is already in print and before the Committee? (*Witness handed in the same. Vide Appendix A.*) I hand in also a return of the number of causes heard in 1856 and 1857, distinguishing those over £100 from those under that amount. (*Witness handed in the same. Vide Appendix B.*)
3. Do you consider that this return is a fair average of the causes that usually come before the Courts—the Supreme and Circuit Courts? I have no reason to think otherwise. I have not particularly examined it—I understand that it contains all the causes tried.
4. Does your experience in former years lead you to the conclusion that the proportion which causes under £100 in these returns bears to those over £100 has been pretty much the same in former years as during these two years of 1856 & 1857? I can give no answer to that question, because I have not until of late been in the habit of noticing the particular amount sued for. We have not infrequently had as much trouble in causes under £100 as in those exceeding £500. The analysis made by me, and handed in at the last examination, of the Maitland causes, may, in my opinion, be taken as a fair average statement on this head.
5. Does this list include actions of ejectment? I cannot tell. I had it made out immediately after my last examination. I have not looked at it since, and I have forgotten much about the matter. The probability is, that the return does not include actions of ejectment, because in such causes no amount is specified, and ejectments are rarely brought for property less in value than £100.
6. Were there many actions of ejectment brought during the two years of 1856 and 1857? There have been many, and the number is increasing; but I think that it will be somewhat diminished by the operation of the Land Titles Act. It may be desirable that I should hand in now this list of arrears in the Supreme Court in the Common Law Department, for the Term just ended. (*The witness handed in the same. Vide Appendix C.*)
7. Can you state how many causes on that list have been disposed of during the last Term? Of the fifty-nine matters entered on this list, only five have been so disposed of. And even of these, two await conference before final decision. This was owing to the enormous length of the evidence and arguments in the two squatting causes of Clift v. Nowland, and Elliott v. Rusden, and the ejectment cause of Devine v. Wilson—which three causes in fact almost consumed the whole Term. I see no probability, moreover, of similar causes diminishing in number, without a change in the law.
8. Would the appointment of a fourth Judge enable the Court to dispose more readily than they can now do of the business which is on that paper? Beyond all doubt: because the fourth Judge would exclusively take the Equity business, (including Infancy and Lunacy cases,) with the Insolvency and Ecclesiastical business, and the Chamber business in Term, which continually distract the attention of the Judges, and consume time that ought to be exclusively appropriated to the Common Law Jurisdiction. The Committee will perceive that the return handed in is of the Common Law Term business exclusively. I shall be prepared with a paper to lay before the Committee of the business in the Ecclesiastical and Equity Departments; of which as yet I have said nothing.
9. Will the proposed "District Courts" relieve the Supreme Court of any portion of the Equity business, or the Ecclesiastical or Insolvency business? Of no portion whatever.
10. Will you state generally the extent of the Ecclesiastical business? That branch includes the Curator of Intestate Estates' Department, which involves audit and the like. The amount of time consumed is not large, even in the aggregate; but the interruptions which attending to this business occasions are almost continual.
11. Does not the Ecclesiastical jurisdiction include the granting of Probates? It includes the grant of Probates and Letters of Administration, and deciding all matters incidental thereto, such as the occasional dispensing with sureties, or directing the amount of security to be less or more. Sometimes in determining whether the evidence of death is sufficient; or the party seeking to be administrator is the proper one; and so on. Occasionally an Ecclesiastical case will occupy in this manner half an hour; but I do not think more, and rarely quite so much.
12. Does it not sometimes happen that probate causes are very different indeed from mere matters of form? We have had two or three special causes this last year; but I think this is very rare. One was a question as to sufficiency of proof of death, and one as to alterations in a will; whether there was evidence of the alterations having been made before execution. The third was as to the right of a party claiming under a Scotch probate. We had two such in the last Term.
13. Do Insolvency matters occupy much of the time of the Court? They occasionally last a whole day. Sometimes they occupy only an hour, or less. More generally I think the time is about two hours.

The Hon. Sir A. Stephen, Knight, C.J.
19 May, 1858.

- The Hon. Sir A. Stephen, Knight, C.J.
19 May, 1858.
14. Has it not sometimes happened that an Insolvency case has gone over several weeks, essential matters being left undisposed of. Take the case of Crawley and Smith? There is an instance of one Insolvency matter occupying three or four entire days; but I speak of the average causes. That case stood over, from the press of other business, for several weeks. The Chamber business connected with this department, however, is the most troublesome. I can give the Committee a list of other business than that which meets the public eye, to which the attention of the Judges, or one of them, is unavoidably directed—reporting on Criminal cases; correspondence; general supervision of the departments; &c.
15. Can you state the position in which the Equity business of the Court is at this moment? The Equity business at the present moment is simply abandoned to its fate. It is not at present possible to attend to that branch.
16. Have you reason to believe that there is sufficient Equity business to occupy the attention of one Judge throughout the year, taking in connection these other matters specified? I think that the Equity Judge should take all ordinary and pressing Chamber business in Term, and while the other Judges are on Circuit. Including that business, and the other matters more allied to the Equity business than to Common Law, I think that his time will be fully occupied. I do not mean by this that he will have to sit in Court, or even to study, all the day long; but I think that he will have quite enough to do, for any man occupying the position of a Judge in this Colony, and doing his duty faithfully and well. I have no hesitation in saying for myself, that I have not (nor have I had for the last two years) sufficient time allowed me for considering judgments, or for keeping myself *au courant* with the profession in matters of law learning.
17. Can you state whether the Equity business would be more rapidly and advantageously disposed of by a Judge devoted almost exclusively to that branch of jurisdiction than it is now? Unquestionably so. It is highly inconvenient and often injurious, that one Judge should hear part of a cause, and another Judge hear another part of it; or that a third Judge should be brought in, as now repeatedly happens, (in causes originating by Rule Nisi,) who has previously had no acquaintance with the case. I should be glad here to supplement my evidence, in answer to a former question, by mentioning the Vice-Admiralty jurisdiction; in which I have sat five times within the last six or seven weeks. The arguments on two of these occasions extended over several hours; and one of them occupied afterwards three evenings, in preparing for my judgment. I would have resigned the office of Judge of that Court long ago, but that I could not do so without throwing every thing into confusion.
18. Have you heard that there are Admiralty matters which parties have been unable to bring on, in consequence of the difficulty of getting a Judge to hear them? I know of no particular case; but I have been more than once of late asked to hold a Vice-Admiralty Court, and have refused from sheer want of time to do so.
19. Are the two vacations in reality vacations, as generally understood; that is to say, periods in which the Judges do no work? The vacations so called have been rarely vacations to the Judges. At all events they have not been so generally to me. They have been occasionally devoted to hard reading; sometimes to the consolidation of rules of practice; and frequently to the preparation of judgments reserved and unavoidably in arrear. The Book of Practice now in use, published by me about two years ago, containing all the unrevoked Rules of fifteen years, was the work of one vacation. But very frequently there are Sittings for Causes, or Equity Appeals, or Banco Arguments in these vacations.
20. Was there not a very pressing special case heard in the last vacation, involving a dispute between miners at one of the Northern Diggings, which lasted several days? There was. Similar instances, however, are frequent. I recollect only one vacation during the last seven years, which has admitted of absolute holidays to the Judges, as is the case in England. There, the Judges enjoy six or seven weeks of actual relaxation; and are enabled to breathe a purer air.
21. Do you see any possibility of the present three Judges doing a greater amount of business than that which the Supreme Court has been transacting during the last two years? I do not see how we can. I have sat on Circuit, in this present year, twenty days in succession, (two excepted), for, on the average, above eleven hours a-day; and two other Judges were on Circuit at the same time. In fact, however, I could not have remained absent from Sydney so long, had not Mr. Justice Milford then been detained here. The paper which I have handed in shews that there is scarcely any day at the disposal of the Judges. At this moment the cause of Devine v. Wilson stands for judgment; and were it not that next Monday is a holiday, I cannot conceive how we should be enabled to consider our judgment in other causes pending. I do not suppose that one day will be found by any means sufficient for consultation on that case. But what days can be named for the purpose? The first four days of June appear to be unappropriated; they are already fixed, however, for Equity Appeals.
22. Then are we to understand that the Judges really have not, considering their present work, sufficient time for consultations? Most assuredly they have not. There ought to be one day in every week, (except, perhaps, during the Sitting for Causes, which ought, I think, to be continuous), set apart for consultation. The Judges might, certainly, meet in the evening; if that were thought essential, and also practicable—considering the heavy duties imposed upon them during the day. It must be borne in mind, that, during both the Criminal and Civil Sittings, there are *two separate Courts* simultaneously sitting, daily.
23. What are the usual sitting hours of the Judges in Court? From ten till half-past four, with no interval for refreshment or other purposes; but, during the trial of causes and criminals, from ten until frequently much later hours, with twenty minutes, or rather more, at noon, for refreshment; because the juries, I may say, insist upon it. The ordinary hours, on Circuit, are from nine to five.
24. Do you think that the Judges could, with a due regard to their health, extend their sittings for a longer period? The Judges could not extend the sittings, as it appears to me, without creating more days in the year.
- 25.

25. That is not what I mean—I mean the hours of sitting? Speaking for myself, I feel that the hours specified are already more, (considering that the work is almost without intermission,) than is consistent with a due regard to strength and health, bodily or mental.
26. Would the present Judges have less to do than they now have, if a fourth Judge be appointed:—or would the result be that a greater amount of business will be performed, and the Judges have equal work to do? The Judges will, in my opinion, have quite as much to do; but they will, I conceive, eventually, (though not while the present arrears remain,) sit less often, because it is one most important object that they should have time for consultations and for study. In the present state of the business, however, there must, without a fourth Judge, be constantly accumulating arrears. Even when a fourth Judge is appointed, so that the other three can devote themselves exclusively to the Common Law business, I have no expectation of seeing the arrears disposed of for many months to come.
27. Has it not often occurred that judgments have been reserved for a longer period than a month or even three months? They have been so; on several occasions.
28. Would this delay have taken place if the Judges had sufficient time to consult every week? The postponements have resulted partly from the want of open days for consultations, and partly from the want of clear days for afterwards drawing up the judgments. I have drawn, (and I do not complain of the task,) the greater number of these judgments; and I have found it impracticable to prepare them at broken periods. I have consequently waited, in order to obtain two or three clear consecutive days, but have occasionally waited for them in vain. It should be explained here, that the duty of stating the pleadings, &c., facts of a case, and the arguments, which in England is discharged by the Law Reporters, is here imposed on the Judge who prepares the judgment. But in contemplation of an appeal to England, it is indispensable to state both facts and arguments at length.
29. *By Mr. Donaldson*: In every case? Certainly; and I have always found this duty a great addition to the labour; inasmuch as I have never prepared a judgment without having the original documents, and generally all the cited authorities, before me.
30. Am I to understand that this refers to every cause, in contemplation of an appeal to England? I speak only of those causes in which judgment is reserved, and a written judgment delivered. But in the most of these the parties are likely to appeal; and appeals are frequently intimated even where none is eventually prosecuted.
31. Would not the Judges here be relieved in the same way as in England by having Law Reporters? Assuredly; but who would undertake the task? In England a Law Reporter earns £1,000 a year or more; and the position occasionally leads to promotion. But what promotion will ever be given here on any such grounds? The only ground attended to here, I fear, will be a man's political opinions and status. An Attorney General will be appointed to the Bench as a matter of course (that is to say, if he will so far condescend,) without much reference to other claims.
32. *By Mr. G. Macleay*: You allude to professional acquirements? I meant to notice the fact, that reporting in England is very lucrative; and that I believe it also leads to high promotion—which would probably not be the result in any of these Colonies.
33. It obtains promotion, because great knowledge of the law is required? Because it is understood that a Law Reporter has an extensive knowledge of the law.
34. You do not think that we are likely to have the advantage of reporting cases as the Courts have in England? No.
35. *By Mr. Deniehy*: The reporting here is not done by professional men, I believe? Not ordinarily. But the reports are not law reports in the legal sense. They are popularised and condensed, so as to give the salient points only—and in such a form that the public will readily understand them—they are not at length, as in reports for lawyers; nor do they give the pleadings or (generally) the citations.
36. *By the Chairman*: The reports are, in fact, such as we see them in the papers? Those of Mr. St. Julian (with whose reports I am most familiar) are remarkably well done; but they do not in any degree supply the place of a full report. I never look at them for the purpose of drawing a judgment. All that I have before me is my own note-book, the notes of the decision after our conference, the pleadings, and the documents, and law books.
37. Can you suggest any means by which cases may be shortened; either at trials, or on arguments? The only suggestions I can make on that subject are contained in my letter,—constituting an appendix to my evidence before the Legislative Council Committee, under date the 25th November last.
38. *By Mr. Donaldson*: From your knowledge of English practice, will you be kind enough to state whether you consider the granting of new trials more or less frequent than in England? I have had very little practice in England, and I left England thirty-three years ago; nevertheless, I think that I am qualified to give an opinion on that point; and my belief is, that the number of new trials in this Colony is slightly in excess of those granted in England—proportionately to the number of trials there.
39. *By the Chairman*: Are not new trials granted in this Court on precisely the same principles as those which regulate the granting of new trials in England? I believe that they are. They certainly are intended to be so; and, to the best of my judgment, I know of no new trial granted by this Court in which a new trial would not have been granted in England. The excess of which I speak has reference to the number of causes tried. I think that there is more perseverance in litigation in this Colony than in any other part of the world. In England they will abandon or compromise (or at least after one trial will drop) cases, which here they fight out to the very last.
40. *By Mr. G. Macleay*: I gather from you that if more discretion were left to the Judges, where new trials were moved for, it would be better for the interests of the country at large? What I have said in my letter of 25th November, already referred to, will afford a full reply to that question. My opinion is, that the Judges ought to have the power of refusing a new trial, notwithstanding any erroneous opinion expressed at the trial on a point of law, (which

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The Hon. Sir A. Stephen, Knight, C.J. sometimes does not in any degree touch the merits, or at least the substantial point in controversy,) if the Judges are of opinion that on the whole the verdict has done justice.

13 May, 1858. 41. *By the Chairman*: But is not that the case to a very great extent already? That is the case only to some extent. In cases affecting the reception or rejection of evidence, the law as I understand it is this; that unless the Judges see most clearly, and beyond any possible doubt, that the verdict would and must have been the same had the rejected evidence been received, (or the converse, as the case may be,) they must grant a new trial, where evidence has been either wrongly received or wrongly rejected.

42. Could not the Judges apply the remedy themselves, by laying down a rule for their own guidance in these matters? I do not think that they could. A constitutional principle is involved. Every suitor has a right to the opinion of a jury on matters of fact, and to the opinion of the Judge previously on every applicable point of law; and so he may insist that justice, in both these particulars, has not been done him, if there be a mistake either by the judge or by the jury:—even though it may be the opinion of the Court, that the verdict itself is in entire accordance with the just and legal rights of the parties.

43. *By Mr. G. Macleay*: In what proportion, by the number of new trials granted, have the verdicts been disturbed—one-half? No; not one-tenth. According to the list handed in, there were 227 causes tried in 1856; and there are in the list 41 new trial motions, the result of about eight months' trials; in other words, 41 such motions out of about 150 actions tried.

44. *By the Chairman*: Of those, how many is the proportion usually granted? The proportion granted is certainly not half—I believe, scarcely a third. Of the 41 motions, some (you will observe) are cross-motions only;—two arising out of one trial.

45. *By Mr. Dickson*: In what proportion of those granted are the verdicts reversed? I cannot tell you.

46. Is it a large proportion? No; I think not. I should say indeed that in general the result of the second trial has been the same.

47. Would not equal justice then be done, if there were no new trials granted—*justice to a proportionate amount of the verdicts that are reversed*? In every case in which the second verdict has gone in the same way as the first, the new trial clearly has induced a result which apparently might have been attained in the first instance;—and, had the Judges possessed the power to which I have adverted, the probability is that in those cases no new trial at all would have been granted. But in the cases in which a different verdict has been given on the second trial, the question and this observation do not apply. Whatever the result in particular cases, I conceive that a great benefit is obtained to the administration of justice generally, by the additional sifting which cases thus receive; and, in point of fact, on the second occasion additional evidence frequently is given, showing more clearly where justice lies. Sometimes, also, juries are aware what the first verdict was; and I have always felt assured, that they are influenced by that fact to give the second the same way. If it is a matter of mere vibration of the scale, or if they come to a difficulty, they will naturally find the second verdict the same way as the first.

48. *By the Chairman*: If an alteration in the practice of granting new trials were made, would the number of new trials granted be much diminished? Not very largely. But I have seen several instances, in which in my opinion justice had been done, and yet the Judges have felt compelled by the rules of law to grant a new trial.

49. Have you not known cases where a verdict was so clearly wrong that the Judges had not the power of granting a new trial—the institution of trial by jury would be in great danger of being brought into contempt and disrepute? I certainly have seen striking and flagrant instances of mistaken verdicts; I think too that the subject requires mature consideration before the law affecting new trials be altered. It is of great importance, that every suitor should feel that his case is heard to the utmost; and that no decision is given against him, the result of surprise, precipitancy, prejudice, misconception, or error, either as to the facts or as to the law, however small the point of law may have been. On the particular point, nevertheless, to which I have more than once alluded, I think that an alteration in the law may safely be made.

50. Were not all these rules which have guided the Judges in granting new trials, originally laid down with a view to promote the ends of justice, and not in any degree to promote litigation? I should think the man not entitled to serious refutation, who would venture to insinuate that the Judges encourage new trials; or that, in granting them, we could have any other motive than that of doing suitors justice.

51. Can you state whether if new trials were entirely abolished in the Supreme Court, three Judges would then be sufficient to transact the business in those Courts satisfactorily? If new trial motions were absolutely abolished, my opinion is that the Supreme Court itself had better be abolished. Points of law of great importance and difficulty never can be satisfactorily disposed of at a trial; mistakes must be and are occasionally made in rapidly deciding them; and deliberate and solemn argument before a full Court is essential to the ends of justice. If there shall be no appeal provided, from a wrong direction, or any other error of a Judge at a trial, you will in process of time have causes decided most unjustly, very hastily, and in direct opposition to the law. I have as high an opinion of the present Judges as it is possible to entertain of any men; and yet I am quite certain that if there was no appeal from our decisions, we should all become incompetent, if not careless, inactive, and unobservant.

52. *By Mr. Donaldson*: Would injustice be done if the Judges had absolute power to grant or refuse new trials in all cases? If the meaning is, that the Judges should have the discretion entrusted to them, to refuse a new trial in every case whatever where they thought justice had been done, the result I fear would be that the decision of cases would practically be taken from the jury and given to the Judges; and that involves a constitutional consideration of too great importance to be lightly determined. In the particular case of wrongly admitting or rejecting evidence, I see no danger in introducing the principle.

53. *By Mr. G. Macleay*: What are the grounds principally alleged when new trials are moved for; neglect or error on the part of the Counsel or Judge, or improper verdicts given by the jury? Much more frequently, I think, a mistaken verdict; but that mistake often alleged to be owing to some erroneous direction of the Judge, or some wrong reception or rejection of evidence. In addition to these grounds, the unavoidable absence of a material witness, the discovery of fresh evidence, the want of due notice of trial, or the like, may under special circumstances be made grounds for a new trial.
54. *By the Chairman*: Those latter cases are rare? Those cases are rare. And as to the others, where disputed facts alone have been decided by the verdict, the rule inflexibly acted on in this Court is not to grant a new trial, unless it be plain and clear that the conclusion was a mistaken one. New trials are rarely granted, except where the result has depended on mixed law and facts.
55. The great difficulty which at present exists in obtaining new trials, will scarcely have any effect upon the verdict of the jury, I presume? None whatever, I imagine.
56. It will not make them more careful in giving their verdicts? No. Nor do I suppose that it makes them careless. I have never once even suspected an unconscientious verdict, though I have known several strangely mistaken ones. If new trials however were impossible, I cannot tell how soon recklessness might begin.
57. Can you state whether the business of the Supreme Court is likely to be materially or in any degree diminished, by the passing of the District Courts Bill, now before Parliament—bearing in mind that there are to be appeals from the decisions of those Courts to the Supreme Court? I think that the District Courts will diminish the business of the Supreme Court, but in no large degree. They will, however, in combination with a fourth Supreme Court Judge, probably have the happy effect of enabling us in the course of twelve months to work through our present arrears. But my opinion is that business will increase in the Supreme Court yearly; and that thus practically the effect of the District Courts will not be felt in the Supreme Court.
58. *By Mr. Deutchy*: Do you not think that that the Civil and Criminal business of the Circuit Courts will be diminished by the District Courts? The Criminal business, I apprehend, certainly not.
59. *By Mr. G. Macleay*: You speak of the District Courts Bill, Sir Alfred, as it has passed the Legislative Council—but if jurisdiction be given in Civil cases to the amount of two hundred pounds, and if, as proposed in the Bill brought forward by the Parker Administration, all Criminal cases could be referred to the District Court Judges, under particular circumstances, (it having been proposed in that Bill that the Government should have the power of issuing a special commission to try capital and other cases)—would not the business of the Supreme Court be very materially decreased? If we were relieved from all Criminal cases whatever, of course we need scarcely go on Circuit at all; and that would place forty days more in the year at our disposal; but the increase of the District Courts jurisdiction from £100 to £200, would, I think, have no sensible effect whatever in that direction. The District Courts, moreover, (though this does not touch the question put by you,) in proportion as you increase its jurisdiction, ceases practically to be the poor man's Court.
60. *By the Chairman*: It would still be the poor man's Court: small cases would be tried there? Yes:—but a Small Debts' Court is not wanted for sums of two hundred pounds; and the increase will finally be found to be injurious, if cheapness and simplicity be really wanted. When a large stake is to be contended for, it will be fought out with perseverance; try the case in what Court you will.
61. You think that appeals would invariably be interposed? I think that appeals would be numerous, whereas, in cases under £100, I do not believe that there would be many. My opinion is, that any Court, without the power of appeal from it, must become a nuisance. The use of an appeal, nevertheless, is chiefly a provision *in terrorem*, so to speak; one that compels the Judge to decide carefully; and shows suitors that they have redress against a wrong decision. It has the further good effect, by referring matters ultimately to one tribunal, of compelling uniformity of decision; without which the law would be uncertain and fluctuating, and no man's position secure.
62. *By Mr. G. Macleay*: But if sufficient discretion be exercised in appointing the Judges of these District Courts;—if they should be barristers of a number of years standing, why should not confidence be placed in them as well as in the Judges of the Supreme Court? But my impression is, that there would be little confidence eventually in the Judges of the Supreme Court, if there were no appeal; for precisely the same reasons. Secondly, however, I answer that so long as the rewards of learning and talent continue to be what they are now, you will not get thoroughly competent men at the petty salaries which I understand are proposed to be given to these gentlemen.
63. *By Mr. Dickson*: Would the extension of the jurisdiction of the District Courts to all offences less than capital, diminish the duties of the Supreme Court Judges? Yes, very much. The reservation for the Supreme and Circuit Courts of Capital offences only would diminish our Criminal business three-fourths, or more. But the idea seems to me almost shocking, that men's liberty to any extent should be deliberately left, merely because life is not affected, to Courts which are to be confessedly inferior.
64. *By the Chairman*: Is it not the object of all laws to do justice to every man; and not to do justice in the majority of cases only? Of course it is.
65. Is it any satisfaction to a man to be told, if he has a wrong decision given against him, that in the generality of cases the decisions are right, and he must be satisfied? I think it the duty of every Legislature to do its utmost to secure justice to every man in every case. At the same time I think it high praise to a Court, to say that in the vast majority of instances it does right—and that it is very rarely mistaken. The value of the encomium depends not a little, however, on the kind and character of the cases which the Court has to determine.

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The Hon. Sir A. Stephen, Knight, C.J. 66. Do you think it desirable, in the administration of justice, to secure the highest efficiency, as it is in any other matter? I think that it is far more important to secure absolute efficiency and perfection, if possible, in the administration of justice, than in any other matter. The pure and efficient administration of justice is, I conceive, the real end and purpose for which all government exists—or should exist.

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67. Do you conceive that that view would be carried out by transferring the great bulk of the business, including important Criminal cases, to a professedly competent jurisdiction, but one which is confessedly inferior? There can be but one answer to that question. At the same time, I think it a point of great importance to bring justice as near to a man's door as shall be reasonably practicable; and to have matters of no great intricacy or amount tried expeditiously and inexpensively to the litigants. And I think that in such cases extreme accuracy and rigid legal right are unimportant, as compared with those objects.

68. Assuming the Judges of the District Courts to be as competent as the Judges of the Supreme Court; do you think it likely that their decisions would give the same satisfaction, bearing in mind that the former will not have the same kind of Bar to assist them? It must be clear to all reflecting and experienced men, I conceive, that without a competent Bar you cannot hope to obtain or to retain a competent Bench. The Bench is taken from the Bar; and Judges not infrequently learn as much from an able Bar as the Bar can from the Bench.

69. *By Mr. Denihy*: Are not a number of Criminal cases, such as cattle stealing, tried now not merely by the Supreme Court, but in the Courts of Quarter Sessions; and do you not think that these might be beneficially assigned to the District Courts, so as to give the Judges of the Supreme Court more time—Could such cases not be entirely transferred, so that the Supreme Court Judges should not try any case not capital on circuit? Do you not think that perjury cases might be so transferred? I can hardly say. Some cattle stealing cases are of more intricacy and difficulty than any other Criminal cases. They generally require great experience, most watchful attention, and considerable knowledge of law, as well as observation of the habits and character of witnesses. The punishment also is very heavy. Perjury cases are by no means so embarrassing, neither are forgeries. I am of opinion that, if it were possible, every case Criminal and Civil, however humble, ought to be tried by the highest tribunal. That seems to me to be the true principle. We are only justified in deviating from it, because of the necessity for a second tribunal. If I gave the District Courts the jurisdiction, it would be with power only to inflict lighter sentences.

70. Is it not a matter of discretion with the Magistrates themselves, in those cattle stealing cases, whether they shall be sent to the Supreme Court or to the Court of Quarter Sessions, when committing? Magistrates commit, I believe, to one Court or the other in their discretion. But I believe that they usually send the more difficult cases, as they ought to do, to the Supreme or Circuit Courts. So jealous are our fellow-countrymen in England on this subject, that we now rarely see an Act passed there relating to crime that does not abridge the jurisdiction of the Quarter Sessions. Yet the English Courts of Quarter Sessions are presided over by very able men, and the magistracy are a much superior class to those whom we see here—in general. No cases are now tried at Quarter Sessions in England except those of the most simple kind.

71. *By Mr. G. Macleay*: If proper and liberal salaries were given, do you not think that the Colonial Bar could furnish a sufficient number of Judges for these District Courts, (though, perhaps, "inferior to the Judges of the Supreme Court,") whom the public would be willing to entrust with jurisdiction—even in Capital cases; and to the amount which I have stated in Civil cases? The question is a practical one, whether I think that the Colonial Bar could furnish us with a sufficient number of Judges competent to discharge the important duties mentioned. As to that I entertain no doubt. You may find half a dozen more Judges of the Supreme Court, if you will give each of them £2,500 a year.

72. *By the Chairman*: If it is regarded as a matter of salary, would it not be much better not to establish these Courts, but to increase the number of Judges of the Supreme Court; or create another Court, and give it co-ordinate jurisdiction, like the Court of Exchequer and the Court of Common Pleas? I can answer both questions in one. If you will make it worth while to able men, now at the Bar, to abandon their lucrative incomes and accept seats on the Bench, all difficulty on that score will of course vanish. But if you are prepared to give Supreme Court salaries, why not create a second Supreme Court at once. There would be no difficulty in that matter:—you have three Common Law Courts in England—why not have two here? Establish a Court of Common Pleas and a Court of Queen's Bench. Or, as an alternative, increase the number of Judges of the Supreme Court; and let them travel on Circuit, and do the other duties proposed.

73. To the extreme ends of the Colony? I do not care where you send them then. I have myself no objection to visit Albury; it would be a long journey, but would all count in the year's work.

74. *By Mr. G. Macleay*: But you are speaking of extreme salaries, Chief Justice; do you not think that for £1,000 a year gentlemen might be found sufficient for these duties? That is an awkward question to answer. I know one or two men of ability and learning who might, perhaps, accept £1,000 a year with the expectation of further advancement. But I doubt it much otherwise. I regard, however, the salaries assigned to the Judges of the Supreme Court as inadequate; because I believe them to be considerably less than any one of those Judges would obtain at the Bar.

75. Would the creation of a fourth Judge, Sir Alfred, enable the Judges to travel to the extreme parts of the Colony? Most assuredly not.

76. Or the creation of two more? With six Judges I think that we could. But you will observe that from any number of Judges, one must always be deducted for Equity business—and the like (*i. e.* analogous) duties. I am most strongly of opinion that the Equity business will never be adequately disposed of, without a separate Judge assigned for that jurisdiction.

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The Vice-Admiralty, Ecclesiastical, Insolveney, and Lunacy business, would be attached to the same department. With five Common Law Judges, two might always be engaged in Circuit duties.

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77. *By Mr. Denichy*: It is possible that the Judges of the District Courts would have to go on Circuit round a radius of many miles; do you think it would be practicable for the Judges of the Supreme Court to do that, with other District Court business? It would be impossible for the Judges to attend to the details (especially to the office details) of District Court business, or I should think to visit various parts of each district. That could probably be accomplished only by some one residing there.

78. A Resident Judge will, for such purposes as are intended for the District Courts, be necessary? I think that for the character and class of business proposed by the Bill, you will require either Resident Judges, or Judges all but exclusively devoted to that business.

79. *By Mr. G. Macleay*: It is generally supposed, that cases before the Supreme Court occupy more time than the same cases would in the Courts of Westminster—is it so? So far as I am able to judge, they do.

80. To what do you attribute the greater consumption of time in our Courts—to what causes? To the causes which were assigned by me in my letter, already referred to in the course of this inquiry, dated the 25th November last; and I do not know that I can advantageously add to the observations then made by me. I may mention, however, that there are no "Squatting Cases" in England; and the complication and perplexity of these are I believe without parallel there. Neither have the English Courts the troublesome and complicated questions which we try in Ejectment. I believe that the same class of cases in England, involving equal sums, and tried between men of fortune and of note, would occupy nearly as long a time as they do here.

81. *By Mr. Dickson*: In your letter you mention ejectment cases as numerous; and in your evidence you have stated that by an alteration in the law they might be greatly diminished? That law, (originally introduced by myself into the Legislative Council,) has just been passed by your House, and will, I hope, soon be in operation.

82. You think that ejectment cases will be less? I think that they will not be less than they have been hitherto, but that they will not increase. Population increases, and so does the value of land; and repeated transfers of property and devolutions of title add yearly to the sources of litigation:—but the series of enactments just alluded to will check much of the evil. It just occurs to me to mention here one additional cause of the length of trials in this Colony. In England there is a power of referring compulsorily cases to arbitration. That power does not exist here. Independently of that statutory power, Judges in England always were on that point more arbitrary than the Judges here have ever ventured to be. A Judge in England will almost refuse to try a cause, which he sees cannot be advantageously disposed of by a jury, and, at any rate, the counsel in such cases usually yield to the Judge's opinion. But a trial is now pending before Mr. Justice Dickinson, having already lasted four or five days, in which the Judge has repeatedly expressed his opinion that it is peculiarly a case for arbitration only: yet the parties persist in going on. I personally know nothing of that case, and speak from the publicly expressed opinion only of the Judge, and it is possible that the length of that case may be owing to peculiar complications introduced into it. But I am persuaded that in England such a case would be referred to arbitration.

83. *By Mr. Owen*: Do you think it desirable to have some law enabling the Judges to direct cases to be referred to arbitration? With careful provisions defining the particular cases to which alone it should be applied, I think such a law highly desirable. I was the means of introducing the system of compulsory references into the Act 5 Vict., No. 9. But there was one section only, intended as an initiatory one; and of this enactment so unfair an advantage was repeatedly taken, that after being in force six years or thereabouts, the legislature, instead of endeavouring to improve the measure, which might easily have been done, abolished the provision altogether.

84. You think a law could be framed to enable the Judges, under proper circumstances, to order arbitrations? I decidedly think so. There would be no difficulty in giving a Judge power to refer either the whole of a case, or certain questions in it, such, for example, as should respect accounts, and mere calculations of amount, to arbitration. But here again the constitutional question arises, which the legislature must determine for itself; because *pro tanto* the existence of such a power diminishes the right of trial by jury.

85. Is there a large class of cases in the Supreme Court which involve accounts and great delay? I do not know that there is a very large class. Comparatively those cases are few. But, when tried, they are tried at an enormous sacrifice of time; and not so advantageously, I think, as they might be before arbitrators. But I would have sworn and official arbitrators for such cases, with power to amend their award in cases of mistake—instead of the old rule (though now much modified) of setting it aside.

86. Referring to squatting cases, can you at all give the Committee an idea how much of the time of the Supreme Court is taken up by that class of cases in the course of the year? Not accurately:—but it is enormous. I have in the other House moved for and obtained a return, which will shortly be prepared, showing the time so occupied during the last five years. But my principal objection to these cases is, that after all they are fruitless --because possession is not acquired by the verdict, and a cross-action can be brought. Experience has in fact shewn, that wherever the Court has refused to grant a new trial in such cases, a cross-action almost invariably is brought.

87. Do you think that a jurisdiction could be created to embrace that class of cases so as to free the Supreme Court? Certainly. The Attorney General and myself, I venture to say, could in a couple of hours prepare a measure which would provide effectually for all such cases.

88. I understand you to be decidedly of opinion that it will be easy to frame a measure of that kind? I maintain that two practical and experienced lawyers could frame the outlines

The Hon. Sir A. Stephen, Knight, C. J. of such a measure in two hours. The Bill, however, might take some three or four evenings to draw in detail; and it would require care in drawing.

19 May, 1858. 89. *By Mr. G. Macleay*: I ask you, Sir Alfred, with reference to your observations as to the length to which trials extend and other difficulties which you have mentioned, whether you do not think, taking higher than a mere economical view of the matter—that it will be better to correct those evils by legislation or regulation as cases may require, rather than by the appointment of other Judges to run the risk of increasing the mischief of which you complain? You may pass what Legislative measure you may please, making it as perfect as any such measure can be, and you will not redress the evils alluded to; while you will still leave the Equity business and Insolvency business untouched. Without assigning those jurisdictions to a separate Judge, your legislation will not enable the Court to get through its Common Law business efficiently, or so as to avoid arrears; of that I am quite satisfied.

90. No correction of these evils would give you sufficient time to get through the arrears of business? Most certainly no such corrective as you speak of would. Nor can I conceive how any of the evils spoken of in my evidence can possibly be increased by relieving the Court of those branches of duty which, at present, cannot be attended to without occasioning all others to fall into arrear.

91. *By Mr. Owen*: Are you aware of the average amount of costs in cases under £100 in the Supreme Court? If you except the expense of witnesses, which is enormously increased by postponements and delays, the causes in the mean time waiting for hearing,—the costs, I think, are moderate.

92. You do not know the amount? I do not.

93. Nor the comparative amount of those costs which you have excepted? I believe that in an attorney's bill of £150 the attorney himself does not get £20. If it be supposed that District Courts will avoid the expense of bringing witnesses, as an item in either party's costs, all I can say is, that such a result can only be obtained by a denial of justice. I tried a case yesterday, in which the sum in dispute was only £12. The plaintiff and his witnesses resided at Maitland, the cause of action having accrued at Morpeth; but the defendant resided at Balmain. According to the District Courts Act, that case could only be tried in Sydney; and the plaintiff and his witnesses would, therefore, in any Court, have to be brought from Maitland.

94. That must occasionally happen? It will frequently happen. Such instances, however, in England, I believe to be rare.

95. *By Mr. Dickson*: If a fourth Judge be appointed, it would be a permanent appointment; but there would be no prospect of the business being overtaken? Without one, not the slightest. With such an addition, however, (for the sole purpose, observe, which has been indicated by me,) and such further relief as the District Courts may bring, I trust and believe that no new arrears will arise after the disposal of those now existing. I believe the business in the Supreme Court of Victoria to be less than at present it is here; and they have District Courts with jurisdiction as high as £200, yet they have had four Judges in Melbourne these two years. Under any arrangement, I am of opinion that there must be a separate Judge for the Equity jurisdiction.

96. *By the Chairman*: Do you know how many Judges they have in New Brunswick? I believe that they have four, and a separate Judge for Equity also; but of this I have no certain knowledge.

97. Do you know what Courts they have in Canada? They have five in Upper Canada, besides a Vice-Chancellor. In Lower Canada there are four to each of two Common Law Courts:—one, I believe, a Court of Queen's Bench, and the other a Court of Common Pleas, with a Chief Justice to each Court. These are exclusive of two Provincial or "Resident" Judges, and of all inferior Courts.

98. How long have we had three Judges in this Court? Ever since the year 1827.

99. Do you think that any substantial benefits would be gained by having two Supreme Courts? I think not; none at present occur to me.

100. Have you any other suggestions to add? I venture to make one observation. It is, that while deliberations on the important measure now under consideration by this Committee are proceeding, the interests of suitors are suffering, and business is accumulating daily, to an extent which it is most painful to contemplate. And for this accumulation the Judges are in no degree responsible; since we have, on three occasions during the last two years, represented the urgent want of an additional Judge. Nor do I think it beneath me to represent that, even were there no arrears, the Judges would still have more to do than it is quite just to impose on them. Sir Francis Forbes retired in consequence of utterly broken health, the result of excessive labor; and Sir James Dowling died, it is well known, from the same cause.

APPENDIX A.

LAW CALENDAR.

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1ST QUARTER.	}	Long Vacation, January 1 to 31.	}	Third Term ends, July 17.
		Criminal Cases, February 1 to 6.		Short Vacation, July 19 to 31.
2ND QUARTER.	}	Common Jury Causes, February 2 and 3.	}	Criminal Cases, August 2 to 7.
		Special Juries, February 8 to 10.		Common Jury Causes, August 3 and 4.
		Sydney Causes, February 8 to 20		Special Juries, August 9 to 11.
		First Term, February 22 to March 6		Sydney Causes, August 9 to 21.
		Maitland Gaol Delivery, March 8.		Fourth Term, August 23 to September 4.
		Bathurst Gaol Delivery, March 15		Maitland Gaol Delivery, September 13.
		Goulburn Gaol Delivery, March 22.		Bathurst Gaol Delivery, September 20.
		Criminal Cases, April 5 to 10.		Goulburn Gaol Delivery, September 27.
		Common Jury Causes, April 6 and 7.		Criminal Cases, October 4 to 9.
		Special Juries, April 12 to 14.		Common Jury Causes, October 5 and 6.
Sydney Causes, April 12 to 24.	Special Juries, October 11 to 13.			
Second Term, April 26 to May 15.	Sydney Causes, October 11 to 23.			
Remanents, May 18 to 31.	Fifth Term, October 25 to November 13.			
Criminal Cases, June 7 to 12.	Special Juries, November 15 to 17.			
Common Juries, June 8 and 9.	Sydney Causes, November 15 to 27.			
Special Jury Causes, June 14 to 18.	Criminal Cases, December 6 to 11.			
Sydney Causes, June 14 to 26.	Common Jury Causes, December 7 and 8.			
Third Term begins, June 28.	Sixth Term, December 13 to 24.			

APPENDIX B.

A RETURN shewing the number of Causes tried in Sydney, and on Circuit, during the years 1856 and 1857, distinguishing those over £100 from those under that amount.

	£100 and above.	Under £100.	TOTAL.
Sydney.....	127	51	178
Bathurst	9	1	10
Goulburn	7	Nil.	7
Maitland	20	6	26
Brisbane	4	2	6
Total in 1856.....			227
Sydney.....	141	19	160
Bathurst	9	2	11
Goulburn	10	5	15
Maitland	22	1	23
Total in 1857.....			209

D. B. HUTCHINSON,
Chief Clerk of the Supreme Court.

APPENDIX C.

TERM PAPER.—SECOND TERM, 1858.

1412 Devine and another v. } Wilson and others ... }	New Trial Motion.	Remanct from 5 Term, 1857, (part heard)
2457 Clift v. Nowland	Do.	do.
559 Nicholson v. Healy.....	Do.	do.
569 Nicholson v. Healy	Do.	do.
2583 Elliot and others v. Rusden	Do.	do.
559 Nicholson v. Healy	Motion for Nonsuit	do.
569 Nicholson v. Healy	Do.	do.
966 Nicholson v. Tully.....	New Trial Motion	do.
1310 Peattie v. Hunter River } N. S. N. Co..... }	Do.	do
333 Webb v. Birch	Do.	do.
1140 Cummings v. Sattor and } another... .. }	Do.	do.

The Hon. Sir A. Stephen, Knight, C. J.	1017 Stewart v Byrnes	.....New Trial Motion.	Remanet from 5 Term, 1857, (part heard)
10 May, 1858.	50 The Attorney General v. Hardy	.....	Do. Do. do.
	1384 Duffy v. Armstrong	.....	Do. Do. do.
	703 Bland v. Nott	.....	Do. Do. do.
	958 Small v. Billington	.....	Do. Do. do.
	1388 Guy and another v. Guy and others	.....	Do. Do. do.
	561 Beggs v. Beatson	.....	Do. Do. do.
	2686 Smith and others v. Toogood	.....	Do. Do. do.
	2553 Devine and another v. Holloway and others...	.....	Do. Remanet from 6 Term, 1857
	1709 Bryerly v. Overmyer	.....	Do. Do. do.
	1521 Jewell v. Greer	.....	Do. Do. do.
1399 Edwards v. Greer	.....	Do. Do. do.	
1458 Quail v. Harris	.....	Do. Do. do.	
1249 Goodin v. Holt and another	.....	Do. Do. do.	
1526 Hough and another v. Australasian S. N. Co.	.....	Do. Do. do.	
532 Commissioners for City of Sydney v. Brown	.....	Demurrer	To be spoken to again
2459 Town v. Rouse	.....	Special Case	11 December, 1857.
548 } (1858) } Berry and Wife v. Aus- tralian Trust Co. ...	.....	Issue in Error.....	14 Do. 1857.
1905 Chapman v. Doherty	.....	Demurrer	21 Do. 1857.
2105 Williams v. Fowles	.....	Demurrer	3 February, 1858.
2084 Ormsby v. Parkes	.....	Demurrer	8 Do. 1858.
1391 Wilson, Official Assignee v. Beattie	.....	New Trial Motion	12 Do. 1858.
1385 Wilson, Official Assignee v. Pope	.....	Do.	14 Do. 1858.
386 The Attorney General v. Randle	.....	Demurrer ..	17 Do. 1858.
2556 Moore v. Moloney	.....	Do.	17 Do. 1858.
1514 Harris v. Quail	.....	New Trial Motion	17 Do. 1858.
960 Bradridge v. Garsed	.....	Do.	18 Do. 1858.
2236 Murphy v. the Municipal Council	.....	Demurrer	20 Do. 1858.
2017 Nowland v. Clift	.....	New Trial Motion	24 Do. 1858.
2161 M'Glynn v. Quail	.....	Do.	24 Do. 1858.
2226 Terry v. Martin	.....	Do.	25 Do. 1858.
1773 Brownrigg v. Hodgson, Agent for A. A. Co.	.....	Demurrer	9 March, 1858.
— The Queen v. Read	.....	Special Case	29 Do. 1858.
812 M'Dougall v. Balca	.....	New Trial Motion	29 Do. 1858.
125. Scanlan v. Christian and others	.....	Do.	1 April, 1858.
1626 Kenny v. the Austra- lasian S. N. Co.	.....	Do.	1 Do. 1858.
34 Moore v. Leighton	.....	Demurrer (Pltffs.)	6 Do. 1858.
34 Moore v. Leighton	.....	Do. (Defts.)	6 Do. 1858.
1823 Holmes v. Madgwick	.....	New Trial Motion	6 Do. 1858.
34 Moore v. Leighton	.....	Demurrer	8 Do. 1858.
1670 Hall v. Gibson	.....	New Trial Motion	12 Do. 1858.
1329 Hall v. Hyland	.....	Do.	12 Do. 1858.
1670 Hall v. Gibson	.....	Do.	16 Do. 1858.
1329 Hall v. Hyland	.....	Do.	16 Do. 1858.
— Application of Bloods worth for Mandamus	.....	Mandamus ...	16 Do. 1858.
143 Lee v. Mitchell	.....	New Trial Motion	19 Do. 1858.
1975 Kiama S. N. Co. v. Sheffield	.....	Do.	20 Do. 1858.
1853 Perry, Assignee, v. Ber- kelman, Junr.	.....	Demurrer	22 Do. 1858.
1325 Hassall v. Neale	.....	New Trial Motion	23 Do. 1858.
2356 Sandoe v. Pickering	.....	Do.	24 Do. 1858.
— *Exparte Bloxsome v. Dunbar	.....	Criminal Infor- mation	24 Do. 1858.
39 Macnab v. Parkes	.....	New Trial Motion	27 Do. 1858.
1656 Kelly v. Burt	.....	Do.	27 Do. 1858.
— Regina v. Berry and ora	.....	Special Case	29 Do. 1858.
— Regina v. Gabriel Izzard	.....	Do.	8 May, 1858.
2266 James v. Corporation of City of Sydney	.....	Injunction	8 Do. 1858.

*Entered during this Term.

The Honorable Isidore J. Blake, called in and examined:—

1. *By the Chairman*: Can you state, Mr. Blake, the position in which the Equity business of the Court is at this moment? Yes; I can. The number of causes at present down for hearing in Equity, and brought to hearing rapidly are not many, because there is a general impression on the part of the other profession that it is useless to do so. There are a great number of causes and very important cases, involving very important questions, in which there have been answers filed, and in many of them evidence taken, but they are not brought on for hearing, for the reason I have stated.
2. Do you see any prospect of these cases being brought to hearing unless a fourth Judge is appointed? None whatever.
3. *By Mr. Deniehy*: What! the cases already set down? The cases already set down, even, I see no prospect of hearing; but I was referring more particularly to the number of ordinary causes that were proceeding.
4. *By the Chairman*: Then it follows that there is a considerable amount of important litigation which is not proceeded with, or not attempted to be proceeded with, because of the presumed impossibility of bringing it to a close within any reasonable time? Yes, I think so; and I think the business actually going on does not express the business there would be if there was another Court. There is a vast deal of Equity business not attempted at all, from the known impossibility of proceeding.
5. Can you say whether the Equity business would be more satisfactorily disposed of, putting out of the question the impossibility of the Court now paying attention to it, if one Judge were to devote his exclusive attention to that particular branch of law? I think so, and we had familiar instance in the Courts, both in England and Ireland. The Exchequer was a Court both of Law and Equity; and, although the Equity business was heard before the full Court, there being days for Equity and days for law fixed, everybody knows that the Equity business of that Court, with the best Judges, was very imperfectly carried on, so much so, that both in England and Ireland the Equity Jurisdiction was abolished, not because of any delay or want of learning on the part of the Judges, but because of the impossibility of devoting that continuous attention which they could have devoted if they had no other amount of business to dispose of. And the adjournment of the hearing of Equity causes is, from their greater length and complexity, more inconvenient in the case of the majority of cases—I mean cases in Banco, of course—not trials at *Nisi Prius*. At the time of the abolition of the Equity Exchequer in both countries, there were particularly able Judges on the Bench.
6. You think a division of labor is absolutely essential? I do.
7. Do you think a separate Equity Court would have a tendency to increase the efficiency of the Equity Bar, or, in other words, to create a distinct Equity Bar in this country? I do not think a distinct Equity Bar, or a distinct Bar for any particular kind of business, is so valuable as is supposed. I think the distinct business should be in District Courts, and, also, if the business was sufficiently important, the leaders would practise in separate Courts, as we find now is done in England, not only in the Equity Courts, but also in the Law Courts. Different leaders confine themselves to particular Courts, but, with respect to the working Bar, I think it is much more advantageous that they should be employed in every branch of the profession. I think it is a mistake to suppose that they become more competent in any particular branch in consequence of confining themselves to that particular branch. Every branch of the law illustrates all the rest. In Ireland the Bar generally practise in all branches, and the leaders confine themselves to particular practice or to particular Courts—leaders in great business.
8. *By Mr. Deniehy*: Is it instead of being, as in England, an Equity and Common Law Bar—it is Equity and Common Law leaders you have there? Yes; I will state the reason of that:—A great reason, in my opinion, for the separation of the profession in London, is the physical impossibility of the general Bar attending at the places where the Courts are held. The Courts are scattered all over London. The Equity Courts are in Lincoln's Inn and Chancery Lane, except on the first day of Term. Formerly they used to sit at Westminster during Term, but they do not now, except on the first day of Term. The Common Law Courts are at Westminster; the Courts of Bankruptcy in Basinghall-street; and the Insolvent Courts in Portugal-street; the *Nisi Prius* Sittings at Guildhall—and no barrister could attend at all these places. In Ireland all the Courts are concentrated in one large building, and there is no more difficulty in going from the Court of Chancery or the Rolls Court into another Court than there is in going from the Common Pleas to the Exchequer—no more difficulty than where the same counsel has business in the Court of Queen's Bench, the Common Pleas, and Exchequer.
9. Do you think an Equity Judge, if appointed, could discharge his equitable functions at the same time, and take the Insolvency, Vice-Admiralty, and Ecclesiastical Jurisdiction of the Supreme Court? I think he could, at present.
10. There is not likely to be too much Equity to preclude the Judge discharging these functions? Not at present; I am inclined to think after some time the business would increase. With reference to arrears, I may mention that when the first Vice-Chancellor was appointed in England there was to be no successor. He was appointed for the purpose of disposing of the arrears that had then accumulated in the Court of Chancery, and when the arrears were disposed of he was not to have a successor. Of course for his life his office could not be disposed of. The arrears were never disposed of, and, in 1841, they had accumulated to such an extent that it was necessary to appoint two additional Vice-Chancellors. The same plan was adopted that one of these was only to be a permanent office, and the other was to terminate with the life of the Vice-Chancellor who was then appointed—Sir James Wigram. Upon his resignation, I think in 1850 or 1851, I forget which, there was no Vice-Chancellor appointed in his place; but, before two years, they had to pass a new Act respecting the third Vice-Chancellorship, making it permanent, and I see,

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by the list of English causes which are given in the *Jurist*, that there is still an increased amount of Equity business.

11. *By the Chairman*: Can you suggest any means by which the present Judges could dispose of Equity business in a way satisfactory and consistent with due attention to the other jurisdictions of the Court? I do not think, unless the law business is diminished to an extent which I do not anticipate by the District Courts, that they will be able to keep down the arrears upon the law side of the Court.

12. You are aware that the arrears at this moment are very heavy indeed? I am perfectly aware of it. I believe there are between sixty and seventy causes.

13. Are they not constantly accumulating? The arrears are constantly increasing.

14. *By Mr. Deniehy*: Do you not think, if the jurisdiction of the District Courts were extended to £200, the Common Law business of the Supreme Court would decrease considerably? I think you could get rid of the business of the Supreme Court altogether by transferring it all to Local Courts. But the question is not whether you can diminish the business of any particular Court, but can you diminish it usefully.

15. I merely asked whether, if the jurisdiction of the District Courts were extended to £200, it would not of itself diminish the number of suitors to the Supreme Court? Well, if you increase the jurisdiction to £200, and make it compulsory to proceed in those Courts, of course it would; but doing that would be depriving persons of the Common Law rights. If you increase the jurisdiction to £200, and leave it optional to the parties which Court they would sue in, I do not think it would.

16. Are not a large amount of cases in the Common Law side of the Court under £200? Some, but I should say not a great many, are. I must just say this, with reference to the District Courts. I think there is a great deal of misconception about District Courts. The efficacy of these Courts will depend upon a great variety of circumstances—in the first instance, upon the men who are Judges in these Courts; secondly, upon the number of Courts. If the number of Court Judges are but few, and as the districts requiring those Courts are so extensive, the greater portion of their time will be occupied in travelling. In order to relieve the Supreme Court here—even assuming, for the reasons I have stated, that their creation would have that effect—there should be a great number of District Court Judges. Supposing a Judge to have to travel from Camden to Albury, he would have ten large towns in each of which there would be a Court to be held; he would have Camden, Berrima, Goulburn, Braidwood, Queanbeyan, Yass, Gundagai, Wagga Wagga, Albury, and Deniliquin, besides the Wollongong district.

17. *By the Chairman*: How far is Deniliquin from Camden? About 400 miles.

18. Do you think the appointment of an Equity Judge would relieve the Supreme Court of its present difficulty—I mean, in speaking of an Equity Judge, an additional Judge, who would be Primary Judge exclusively? I should not approve of his being an Equity Judge and not a member of the Supreme Court. He should, in my opinion, be a member of the Supreme Court, but exclusively devoted to Equity—that is, exclusively except when the other Judges were out of Sydney, when he would dispose of law business in Chambers and any pressing business. I do not think he should have anything to do with Common Law chamber business, except when the other Judges were on Circuit. I think that business would embarrassingly interfere with his time and his other duties.

19. *By Mr. Deniehy*: Then you would not suggest that the whole chamber practice of the Court should be handed over to the Judge? Certainly not. I think it would create great embarrassment and difficulties.

20. You do not think an Equity Judge properly discharging his duties could take it? No.

21. Do you think he could discharge the duties of Insolvency? I do, and most properly, because the Bankruptcy business in England is all transacted by the Chancery Jurisdiction.

22. Do you think the Equity Judge could transact such business as Vice-Admiralty and Ecclesiastical? I think so.

23. *By Mr. Owen*: Do you know how many causes are set down in Equity? I know at present there are only two.

24. You have not the means of knowing how many are in progress—bills filed and answers put in? No; but there is a return, I believe, at the present moment making up, a copy of which I can append to my evidence. (*Vide Appendix A.*) And I know, from my own practice as counsel, of a great number. I have myself suggested to solicitors, who are very anxious upon this subject, that whether there is a Judge or not, they ought to set down their causes; but they would not do it.

25. And only two set down? Only two set down. They would not set them down, because it is an expense, and they say it would be useless.

26. Are the appeals from the one Judge to the Court frequent? I do not think they are as frequent here as at home—from the Chancery Judges to the Lord Chancellor and the Lords Justices.

27. You spoke that you thought the barristers could attend to Equity as well as Common Law? I think they can.

28. But would not that be very embarrassing to both parties? No, no more than it is embarrassing for the same counsel to attend in three Law Courts or four or five Equity Courts.

29. Is it not embarrassing for the counsel to attend in three Courts? Yes; but no barrister would confine himself to one Court; leaders do when their business entitles them.

30. Do you think there is sufficient Equity business now, already alluded to, to create a Bar by itself? I do not think there is at present. I have already said I think that the facilities for transacting business which an additional Judge would give, will considerably increase the Equity business, and business will always create a Bar.

31. *By the Chairman*: Have you any further suggestion to make? I will say that, from my experience and observations, I think the present Judges of the Supreme Court are unable, physically, to transact the business properly belonging to that Court. I think a fourth Judge at the present time is essential to transact the business of the country, and I think that that fourth Judge will be equally necessary, notwithstanding the creation of the District Courts.

APPENDIX A.

The Hon. I. J. Blake.

19 May, 1858.

IN THE SUPREME COURT OF NEW SOUTH WALES, }
IN EQUITY.

RETURN of the Number of Suits instituted during the periods from 1 January to 28 October, 1857; and from 28 October, 1857, to 20 May, 1858, respectively; and also of the Number of Suits instituted during these periods respectively, in which no decree or decretal order has been made up to this date.

NATURE OF CASE.	Number of Suits instituted from 1 January, 1857, to 28 October, 1857.	Number of these Suits in which no decree or decretal Order has yet been made.	Number of Suits instituted from 28 October, 1857, to 20 May, 1858.	Number of these Suits in which no decree or decretal Order has yet been made.	OBSERVATIONS.
Bills	40	29	37	34	
Rules Nisi	21	4	12	5	
Claims	7	5	5	5	
Infants' Petitions	9	0	5	0	
Petitions under Trec. Act..	9	1	10	0	
Special Cases	1	0	1	0	
Lunacy	2	0	1	0	
Summons	2	1	0	0	

Master's Office, Supreme Court,
20 May, 1858.

Master in Equity.

FRIDAY, 2 JULY, 1858.

Present:—

MR. DENIEHY,	|	MR. OWEN,
MR. G. MACLEAY,	|	MR. DONALDSON,
MR. BUCKLEY.		

ROBERT OWEN, ESQ., IN THE CHAIR.

William Godfrey M'Carthy, Esq., called in and examined:—

1. *By the Chairman:* You are a solicitor? Yes.
2. You have been many years practising the profession in this Colony? Since 1840.
3. Have you had opportunity of observing the practice on both sides of the Supreme Court, Common Law and Equity? I have, principally on the Equity side, but also on the Common Law side to some extent.
4. Will you be good enough to state to the Committee what is the present condition of the business of the Court? There are great arrears of causes, and a great number of new trial motions standing over, some of them, I think, from fully four terms ago.
5. And from the state of the list, are they likely to stand over some considerable time? So I am told. I do not speak from my own knowledge, but I have made particular inquiry with regard to some of ours that have been standing over since April last, and I am told they are not likely to come on for a considerable time—perhaps a year.
6. As far as you can judge, is that likely to be the case? I think it is.
7. You are speaking of causes on the Common Law side of the Court? Yes.
8. With respect to the Equity side of the Court, what is the state of the business there? In the first place, I may say I think there have been very few sittings for the trial of causes on the Equity side of the Court this year. I think there are no sittings now at all. The Primary Judge sits only for motions of course.
9. *By Mr. Deniehy:* Is that in consequence of the accumulation of Equity business, or of the Judges' time being taken up with the other departments? I am not competent to say.
10. *By the Chairman:* Are there any causes to hear? That I cannot say. We have none ripe for hearing in our office.
11. There are, however, considerable delays on the Equity side of the Court as well as on the Common Law side? Yes.
12. In consequence of that, is there any disinclination on the part of suitors to litigate their pleas? I do not know whether suitors have exactly considered the point for themselves; but there is every inclination on the part of the profession to advise the compromise of rights rather than go into Equity.
13. *By Mr. Deniehy:* Purely on account of the delays? Purely on that account.
14. *By the Chairman:* To what do you attribute this accumulation of business? I am not competent to answer that question.
15. *By Mr. Deniehy:* Do you think the judicial strength is insufficient? I think it is very insufficient.

W. G. M'Carthy, Esq.
2 July, 1858.

W. G.
McCarthy,
Esq.
2 July, 1868.

16. Do you think the erection of the Equity Court into a separate jurisdiction would benefit suitors? Most decidedly it would. I think there is quite enough Equity business to occupy the whole time of one Judge; and if an Equity Judge were appointed, cases would then be got through speedily.
17. *By the Chairman:* And satisfactorily? That depends on the qualifications of the Judge.
18. You think one Judge, with a jurisdiction of his own, could well get through the business? Yes; and render assistance in other departments of the Bench.
19. Would you hand over to him the Insolveney and Ecclesiastical Jurisdictions? Yes. The Ecclesiastical business is not much.
20. *By Mr. Macleay:* And the Admiralty also? Yes, that would fall into the same jurisdiction?
21. *By the Chairman:* Do you know how many causes at Common Law are set down on the day's paper? Six, I think, as a rule.
22. Do you know how many, on the average, are tried? I have made inquiry lately about that, and I understand about three on the average are got through daily.
23. *By Mr. Macleay:* Are you acquainted with the Courts of Westminster? I received my professional education in England, but I have not had any practice in those Courts.
24. Are you aware, by report, of the number of cases got through there daily? I have not examined into that matter; but from my recollection, which is very remote—for it is nearly thirty years since I was there—it seems to me that the business was struck off more rapidly.
25. *By the Chairman:* In the conduct of cases here, do you think there is any undue delay in the mode of conducting the business—any delay that you think might be avoided? I do not think I am a fit judge of that. The Judges and the Bar would be better able to answer that question.
26. I believe occasionally two Courts sit for the trial of Common Law cases? Yes; that has been the case for a considerable time past.
27. Is that accompanied by any inconvenience to suitors, or to the Bar, or to the profession? I do not know whether it causes much inconvenience to the Bar, but there is inconvenience to suitors in those cases where they have engaged counsel who are required in separate Courts at the same time. The expense is gone of having retained and given briefs to two counsel, and you must either dispense with the services of one, or you must endeavor to get your case placed lower down on the list, in which case your witnesses remain in town at great expense, and you are exposed to the chance of the case going over as a remanet.
28. I believe the course of practice is, that in each case there is a desire to have a leading counsel and a junior? Generally.
29. What is the effect of that with regard to the two Courts—can you rely at all on the counsel whom you have considered your chief counsel? Not on the leader—you never can depend on him.
30. So that you retain senior counsel with some probability that you will not be able to obtain his attendance? Yes.
31. *By Mr. Denichy:* Do you think any of the arrears are caused at present by the weakness of the Bar—by the want of a sufficient number of leaders? I think not.
32. The Bar is sufficiently strong for all practical purposes? I think so.
33. *By the Chairman:* From your recollection of cases here and in England, have you any reason to suppose that cases are more complicated here? No.
34. Does it not frequently happen that very long cases are tried here? Very.
35. Cases that last over a great number of days? Yes.
36. What class of cases are these? Actions in which there are a great number of witnesses, where there is conflicting evidence, and where certain points are very hard fought.
37. Are they usually cases relating to ordinary mercantile matters, or squatting cases? Generally squatting cases, I think, with the exception of the famous Newtown case.
38. Have you any squatting cases in your office? We have one—Hall v. Hall, tried at the Goulburn Assizes.
39. From their nature, do you conceive that any separate tribunal might be created to dispose of these at a cheaper rate to the parties? I have not considered that idea at all. - It is new to me.
40. Can you state what is likely to be the proportion of cases under £200, which are tried in the Supreme Court? I should think there are not very many under £200, but I cannot say what proportion. Out of twenty-two cases in our office, there are only four where the sum at stake is under £200.
41. Seeing the present state of the business of the Court, and the inconveniences to which the public are put by delay, can you suggest what should be the remedy? Nothing beyond the appointment of additional strength to the Bench.
42. You know no other mode? No. I am not competent to speak on that point at all. There is evidently a very great increase of business, and that leads me to think additional judicial strength is required.
43. There is an actual increase of business? I think so. The statistics of the Supreme Court would show that.
44. Can you state, from any actual examination of the numbers, whether there are more cases tried? I cannot.
45. With respect to the Court of Equity, is the transaction of business, as at present arranged, satisfactory to the public? I do not think it is.
46. Can you state why? When I say it is not satisfactory to the public, I mean it is not so to the profession. Do you mean the mode in which the business is done?
47. The mode in which it is done in the Master's Office? I think there is room for very great improvement in the way in which it is done,—always supposing that there is a Judge appointed specially for Equity.
48. *By Mr. Macleay:* From the very necessity of the case, the Master does a great deal of business

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business that the Judge would do, were a Judge appointed specially? He does, and does it necessarily in a very much less satisfactory way—not from any fault of the Master. I am alluding to the mode of taking evidence. All evidence is taken before the Master, and is afterwards read in Court; but the Judge loses all the advantage of the *viva voce* examination of the witnesses. A thing is very different when put on paper to what it would appear if heard from the mouth of the witness. If a fourth Judge were appointed for Equity business, time would be found for taking evidence before him in Court.

49. *By the Chairman*: You therefore think it is consistent with the purposes of justice, and advisable, that the evidence should be taken *viva voce*? It should be taken in the presence of the Judge who has to decide. Questions frequently suggest themselves to a Judge which escape the attention of counsel.

50. Do you think a Judge devoted to that particular branch would have time to be present at the examinations of witnesses? I think he would.

51. Do you think this business would be more satisfactorily and more quickly despatched if the evidence were taken down by a short-hand writer? Decidedly. The labor is very great of the Judge transcribing the whole of the evidence himself, as Sir James Dowling used to do.

52. Would you advise that course to be adopted? I should, very strongly.

53. If a Judge were appointed to conduct that branch of the business, would it be necessary still to have a Master? I think it would. Certain of the functions of the Master it would not be convenient for the Judge to perform; but these are mere formal matters that any person of ordinary practice could do.

54. *By Mr. Donaldson*: Could not an intelligent chief clerk do them? I think he could.

55. Are not the references to the Master generally on particulars of account, and such matters? A very large proportion; but there are a great number of other matters besides—investigations of title, and so on.

56. *By the Chairman*: Are there not frequent appeals from the Equity Judge to the full Court? Very frequent.

57. Could you at all suggest the average proportion in relation to the number of causes heard? No. I think if the subject matter of a suit is of sufficient importance to make it worth while to go to the expense of an appeal (which is not very great), very few persons indeed are satisfied with the first judgment, unless it is a very clear case indeed.

58. *By Mr. Deniehy*: Does that arise from a spirit of litigation, which prompts parties to chance another trial? I do not think it does.

59. *By the Chairman*: Then, in nearly all cases of importance the cause has to be twice tried? In all but quite plain cases there is a sufficient degree of doubt in the mind of the loser to make him risk an appeal.

60. The evidence is not taken again? No.

61. *By Mr. Macleay*: To what do you attribute that readiness to appeal? Sometimes to a want of confidence in the soundness of the decision; but more frequently in the hope that points omitted, or not fully argued before the Primary Judge, may be raised or enlarged upon before the Appellate Court.

62. *By the Chairman*: From your own observation, do you think cases in the Supreme Court are as promptly and rapidly conducted as they might be, either on one side of the Court or the other, particularly on the Common Law side? I really am not competent to give an opinion. I may say this, that I think there might be more condensation of argument at the Bar, and more strictness in keeping counsel to the point on the part of the Bench.

63. I suppose that is a difficult thing for a Judge to do? No doubt it is very difficult, unless he be a man of very great reputation, whose *ipse dixit* carries weight in the first instance.

64. Except in particular cases, do you not think the business must be much the same as to the nature of the questions arising as in the Courts of England? I should think it is.

65. There cannot be any essential difference, except as to squatting cases? Excepting cases peculiar to the Colony, they are ordinary disputes relating to mercantile contracts, and so on.

66. Can you tell the Committee whether applications for new trials are very frequent in proportion to the number of cases tried? Yes.

67. *By Mr. Deniehy*: Is it the usual practice to apply for new trials in all heavy matters? It is of course more the practice, because the stake is greater.

68. Is not a very large proportion of the time of the full Court taken up in hearing these questions? A very large proportion.

69. Do you think anything could be done by which this power of applying for new trials could be restricted? I am not aware of anything.

70. *By Mr. Macleay*: The necessity of attending to these applications for new trials entails the employment of as much time as the trials themselves, if granted? I think so.

71. Are the regulations too facile, do you think? I think not. There ought to be great facilities for persons being satisfied that they have had full justice.

72. *By Mr. Deniehy*: Do you think that, if a separate Equity jurisdiction were established, two Judges could discharge the duties of the Common Law side of the Court? I think not.

73. I mean with the Insolvency, Admiralty, and Ecclesiastical jurisdictions thrown into the Equity Court? The Insolvency business does not take much time; Ecclesiastical, I may say, none.

74. *By the Chairman*: You think three Judges must be appointed for Common Law business? I think so.

75. Three Judges must sit in *banco*? Yes. I know there is great inconvenience in two only sitting in *banco*. I have seen it in Van Diemen's Land, where a difference of opinion between two Judges has strung up a cause for ever.

76. To abstract the Judge from Equity for the purpose of sitting in *banco* would interrupt his proceedings in his own Court? Of course.

W. G.
McCarthy,
Esq.

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77. *By Mr. Denichy*: Do you think that, if the criminal functions of the Judges were removed, two Judges could then discharge the Common Law business in Sydney—still going circuit for civil business? It would make some difference, no doubt; because I think I have noticed that the first week of the Assizes is generally occupied with criminal cases.
78. Do you think the giving of a jurisdiction to the amount of £200, as is proposed, to the District Courts, would not also give the Judges more time, by lessening the number of civil suits they would have to try? To some extent, but not I think considerably, as I presume there would be a provision for appeal to the Supreme Court, which the unsuccessful litigant would frequently avail himself of, particularly in those cases which do not so much acquire importance from the amount at stake as from their turning upon some legal right—some question of law.
79. Which takes up time? Which takes up time. I think there is not a very great proportion of cases in which the mere money demand, of £200, is the sole question.
80. *By Mr. Macleay*: If all cases in which amounts of money not exceeding £200 were in dispute were tried in the District Courts, would not two Judges be then able to dispose of the remaining civil cases at *Nisi Prius*? My knowledge is not exact enough of the subject matter of cases tried to enable me to answer that more fully than I have already done. The cases are very few in which the litigated sum claimed is under £200. The damages are generally laid above that.
81. *By the Chairman*: Is there much time taken up in discussing the pleadings before the Court? I cannot answer that question. I do not think there are many motions on the mere pleadings.
82. I allude to demurrers, and things of that sort? I do not think there is any large proportion of those; the pleadings are so very much simplified that those questions do not arise so frequently as they used.
83. *By Mr. Denichy*: Do you think that any simplification of the law of pleading would shorten the time taken up in Court—I mean any further simplification, reducing it to almost the most simple form—even now there is an amount of special pleading? There is some; but if you want exactitude you must have certain rules. However, I am not sufficiently a pleader to be able to answer that question.
84. *By the Chairman*: I hold in my hand a paper, dated April, 1858, showing the state of business in the second term of this year, in which a considerable number of demurrers are mentioned? I have seen that paper, but not in the sense of having read it. My evidence is worth nothing on that point.
85. Then your chief suggestion, in order to meet the present pressure, would be that, notwithstanding the probability of District Courts being established with jurisdiction to the amount of £100 or £200, an Equity Judge as a distinct appointment is necessary? I think so, under any circumstances. I think there is sufficient business in Equity to occupy the whole attention of a separate Judge for that jurisdiction, coupled with the other branches I mentioned.
86. *By Mr. Denichy*: You would recommend that in preference to the appointment of an additional Judge with general powers? I would very much prefer it.
87. *By Mr. Buckley*: Would the appointment of an Equity Judge open the way to any saving in the Master's Department? I think that if the Master were relieved from all but formal matters, a functionary with a much smaller salary might do the duties.
88. *By Mr. Denichy*: Do you think much time is taken up in the trial of cases in which the Supreme Court has concurrent jurisdiction with the minor Courts—the Court of Requests and Small Debts Courts? I am not competent to answer that question.
89. *By the Chairman*: Do you think the present emoluments of the Judges are sufficient to secure a very high class of intellect? I do not think they are. I know from my own experience that the Chief Justice was receiving, as a barrister in Van Diemen's Land, upwards of £3,000 a-year; and I think, generally speaking, that any man of sufficient eminence at the Bar to be appointed to the Bench would pay for his elevation by loss of income, under the present salaries.
90. *By Mr. Denichy*: In New South Wales? Yes.
91. *By Mr. Buckley*: Is there a desire amongst barristers to be elevated to the Bench—are they ambitious of it? I cannot tell.
92. *By the Chairman*: What, in your opinion, will be the effect in the future, when the most eminent barristers, who are making large incomes, will have, if they become Judges, to make great pecuniary sacrifices—do you think the effect of that will be to give us an inferior class of Judges? I think so, unless the appointments are confined to the English Bar.
93. *By Mr. Denichy*: The Judges, of course, are infinitely harder worked than the most eminent men at the Bar in private practice;—they work harder to get through the multifarious duties they have to perform? I think they do; because it is harder work to clear off arrears than to do the current day's work within the day.
94. *By Mr. Buckley*: Is it your opinion that there is much distress amongst those parties who have suits pending in Equity—distress caused by delay? I only know of one case in which there has been actual distress through delay; but that delay has not been caused by the operations of the Court, but through the case being fought very hard.
95. You are under the impression that a considerable amount of distress may be created if this state of things is continued? No doubt about it.
96. *By the Chairman*: I think you said you do not feel justified in advising persons to litigate in Equity if they can avoid it? I do not, on account of the difficulty of getting an ultimate decision. There is a difficulty in getting the decision of the Primary Judge in the first instance, and afterwards a great chance of appeal.
97. Do you think that disinclination to advise clients to proceed in Equity is general in the profession? Yes; I think the same causes would operate on all of us.
98. *By Mr. Denichy*: How long, under the present state of things, does an Equity case take

take before its final determination? It depends on the nature of the case, how it is opposed, and so on. Ordinary cases, such as foreclosure, may be disposed of in the course of nine months.

99. That is about the average of that class of cases? Yes, of cases of a simple kind. I have included the time given to a party in a case of foreclosure to redeem after decree—six months.

100. *By the Chairman*: Is there anything else you could suggest, with the view of facilitating the business of the Supreme Court, in either branch of its jurisdiction? My ideas are too crude on this subject to satisfy myself, and can, therefore, be of no service to the Committee.

W. G.
M'Carthy,
Esq.

2 July, 1858.

Robert Banbury, Esq., called in and examined:—

1. *By the Chairman*: You are an attorney and solicitor of the Supreme Court? I am.

2. And have been so for some time, I believe? I have not been an attorney for a very long time, although I have been in the profession. I have been admitted very nearly three years; but I have been many years in the office of Chambers and Holden, and of the firm as the members changed.

3. Have you had practice on both sides of the Court? I have; while in their office as well as in my own.

4. First, as to the Common Law branch—what is the state of the business in the Court now? There are great arrears, both as to the trial of causes and also as to the disposal of motions for new trials, and what is called banco business.

5. Are you aware of the amount of arrears in reference to trials? I am not as to the numbers, but I know there are considerable arrears. In No. 1 Jury Court I do not think there has been one single case set down for trial by a jury of four that has been tried these sittings, the whole of the sittings having been taken up by the trial of cases by special juries of twelve; one case lasted ten days, and the last one six or seven days.

6. *By Mr. Denichy*: From that cause, there is a complete accumulation of arrears in No. 1 Jury Court? There is.

7. Can you suggest any means of curing it, or is it in the nature of things? I do not know any means of curing it, unless we can continue the sittings longer than we do. We used to have four terms only, now we have six; but still an accumulation of cases goes on.

8. *By the Chairman*: We are told it is the custom to put down six cases on the day's paper? That is so, on what is called the Court Paper. More cases are entered for trial on a particular day, but they never put more than six in the list.

9. From your observation, what proportion of these should you say are tried, on the average, daily? Seldom more than one or two; it is a rare exception if more than two of the six are got through in a day.

10. Are the cases going thus slowly off very intricate cases? I do not think they are. I think some cases that have lasted a considerable time are of slight importance, so far as the pecuniary amounts are concerned.

11. *By Mr. Denichy*: Does the length of these cases result from the complexity of points of law? I do not think there is much complexity, generally speaking, as regards the law. It is the great quantity of evidence brought forward that lengthens cases.

12. Do you think it arises from any defect in the arrangements? Every professional man, of course, brings as much evidence as he can to support his case. Sometimes, I have no doubt, cases are overloaded with the same kind of evidence.

13. Do you think any time is lost through the forms of trial and the speeches of counsel? I think unnecessary objections are often taken as to the admissibility of evidence.

14. *By the Chairman*: Which occupy considerable time in argument? Sometimes. That is only my opinion, of course.

15. This, of course, is productive of considerable delay? Yes. All the time occupied in arguing the case before the Judge would otherwise be occupied in examining the witnesses.

16. Is that the actual cause of the arrears which exist? Only one of the causes.

17. What are the other causes? There is a greater amount of litigation—a greater number of causes for trial.

18. More than the Judges can deal with? I think so.

19. From your observation in Court, or from your knowledge of the class of cases in your own office, or in the neighbouring offices that you have opportunity of seeing, can you say what proportion of the cases set down for trial in the Supreme Court are under £200? I think the great majority of cases at present are under £200.

20. *By Mr. Denichy*: Do you think the provisions of the District Courts Bill—the jurisdiction of which it is sought to extend to £200—would lead to relief, as regards the arrears of business in the Supreme Court? I do not think any person could venture to give an opinion on that point until we ascertain the appointments that are made, because every thing must depend on the amount of confidence people have in the decisions of those Courts.

21. You think the amount of relief afforded by the District Courts will depend on the appointment of the Judges of those Courts? No doubt about it, unless it is made a compulsory jurisdiction.

22. *By the Chairman*: Do you think that any greater simplification of the pleadings would at all facilitate business? I do not think so. I think the pleadings now are, I was going to say, absurdly simple. With great respect to the framers of the Common Law Procedure Act, it has not accomplished the object they had in view with respect to pleading, although a great many of its provisions have been very beneficial as regards the practice.

23. As the pleadings stand, a good deal of delay arises? No, not from the pleadings; but I think if the system of special pleading had been allowed to remain, excepting special demurrers, it would have saved a great deal of expense.

R. Banbury,
Esq.

2 July, 1858.

- R. Banbury, Esq.
2 July, 1858.
24. *By Mr. Denichy*: There are a great number of new trial motions? Yes.
25. Have you any means of expressing an opinion as to what ratio the new trial motions bear to the number of cases tried? I am not prepared to say; but it is very large.
26. A great deal of the time of the Court is taken up in hearing argument on these motions? Yes.
27. Can you suggest any practical means of correcting that evil? I think if we had the same practice here as prevails in England much time would be saved: that is to say, if the party who impeached the verdict was compelled to move within the first four days of term for a rule to show cause, the Court would, in many instances, get rid of the case upon the motion for a rule.
28. Do you think, with such accumulations of arrears as there are at present, such motions could come on within four days? Motions of that kind would seldom take up much time; and, if a fair *prima facie* case were not shown, the Court would refuse the rule, and there would be an end of the matter.
29. *By the Chairman*: You would suggest that as a beneficial alteration? Yes; although I am aware their Honors the Judges, or some of them, are opposed to it. I think it would diminish the number of cases that would remain on the paper for argument.
30. At Common Law two Courts frequently sit? Yes.
31. What is the effect of that arrangement as to the convenience of suitors? I think it is inconvenient to suitors. No doubt it is done to get rid of the business as fast as possible; but I think it is productive of some inconvenience, and, I was almost going to say, some injustice. It is impossible for attorney or counsel to know what particular case he can attend to.
32. You think it leads to imperfect trials? Of course. A brief has sometimes to be handed over at the last moment to a counsel who knows nothing about it, and has only time to read his brief over, perhaps, while the counsel for the other side is addressing the jury. And it may happen that an attorney may be engaged for the plaintiff in one Court and for defendant in the other, both causes being on at the same time; but, of course, he can only attend to one.
33. What would be the consequence if only one Court sat for the trial of causes? There would be greater arrears, of course.
34. *By Mr. Denichy*: What is your opinion with regard to the erection of the Equity branch of the Court into a separate jurisdiction? It could not fail to be beneficial to Equity suitors. As far as Equity business is concerned at present, I consider it is at a stand still.
35. Do you think the efficiency of the Common Law side of the Court would be enhanced by the separation of the Equity branch? I do not think it would make any difference to the business on the Common Law side.
36. You think if we had a fourth Judge for Equity, and three Judges in the Common Law jurisdiction, it would not make much difference? I do not think it would. We cannot employ more than two Judges under the present arrangements; therefore the third Judge would be still unoccupied. Cases could not be tried any quicker.
37. Would it not facilitate all matters with which the Judges deal in banco? No; because at present the three Judges sit in banco. It is the Equity business alone that suffers from that.
38. Can you suggest any means by which the present difficulties and delays in connection with the Common Law can be obviated? I cannot. It is very likely the District Courts will take away a number of cases that are now tried in the Supreme Court; but additional labor will be thrown on the Judges as a Court of Appeal from the District Courts. We know very well that nearly every suitor against whom a decision is given is dissatisfied with it; and if there are grounds for an appeal, he will have it.
39. *By the Chairman*: These appeals will be restricted? We know what is the case with clients at present, where they think injustice is done; they press the attorney to get a new trial, and the attorney in his turn is compelled to press counsel to certify.
40. *By Mr. Denichy*: The business of the Circuit Courts being reduced by the operation of the District Courts, would not the transaction of business in the Supreme Court be facilitated thereby? No doubt the time occupied in going Circuit might be occupied here in trying causes.
41. If the Criminal business now done by the Judges at the Assizes were otherwise provided for, would not that make a considerable difference in the time occupied in going the Circuit? I think the amount of Criminal business is very trifling on Circuit; it occupies three or four days, or a week at the outside.
42. *By Mr. Buckley*: Are not the Judges away sometimes for three weeks? I think that is caused by the slow means of travelling, and the distance they have to go. I think it is the Civil business that detains them so long.
43. Is it your opinion that the Judges are not fully employed? My opinion is that the Judges are hard worked men.
44. Could they do any more business in Equity than they do at present? They cannot. It is impossible.
45. You say a fourth Judge should be appointed for Equity? Yes, for Equity and Insolvency business—equitable rights as well as legal very often arising in Insolvent Estates.
46. You think it necessary to have four Judges? I do. If Equity business is to be done at all, there should be a separate Judge. But if you appoint a fourth Judge, and he has to assist in Common Law business, there will be just the same difficulty as at present. If a Judge were appointed for Equity, some of the members of the Bar would exclusively practice in Equity, so that we should be always certain of getting an Equity suit disposed of.
47. *By the Chairman*: Is the Bar large enough for that? I think it is,—that is to say, a sufficient number would confine themselves solely to Equity.
48. *By Mr. Denichy*: I understand you to say that the appointment of an Equity Judge would not relieve the Common Law side? I do not think it would.

49. *By Mr. Buckley*: Can the business in Equity go on without the appointment of a fourth Judge for Equity? I do not think it can.
50. What would be the effect of such an appointment on the Master's Office—could any saving be effected in that department? I think there are some proceedings now taken in the Master's Office which might be disposed of by the Equity Judge himself; but a Master would still be required.
51. Could a chief clerk do the duty, do you think, provided the Judge took the evidence? I do not think you would get such a person here competent to do it.
52. Is it indispensable that the person acting in the capacity of Master should be a barrister? I think it is. I do not think you would get a competent person, except a member of the Bar.
53. *By the Chairman*: Do you think it desirable to have the evidence in Equity suits taken *vivâ voce*? My impression is that it should be taken before the Judge, because he is, in point of fact, the jury; and in the way in which evidence is taken before the Master, witnesses do not feel themselves under the same restraint as they would in a Court of Justice before the Judge.
54. *By Mr. Buckley*: You think they are not so likely to give their evidence exactly correct? I do not say that.
55. *By the Chairman*: You mean to say that the solemnity of the Court draws the mind nearer to the truth? I do.
56. *By Mr. Deniehy*: Do you think a fourth Judge exclusively for Equity could spare time to take the examination of witnesses himself? I think so. Examinations are necessarily protracted in the Master's Office, because witnesses fence with questions, and instead of answering they argue.
57. Are not the strict rules of evidence enforced? Yes; but sometimes witnesses will not speak in so straightforward a manner as they would feel themselves constrained to do in Court.
58. *By Mr. Buckley*: If the Judge himself were present at the examinations, would he not be able to decide more correctly? I think he would know the value of the evidence better.
59. *By the Chairman*: Do you think the taking down of evidence by a shorthand writer would add much to the rapidity of hearing Equity causes? I do not think it would. I think the evidence is taken down sufficiently rapidly.
60. In ordinary writing? Yes.
61. In the same way as at *Nisi prius*? Yes—but by a clerk, instead of the Judge, as it used to be some years since in the Court of Equity.
62. *By Mr. Deniehy*: Do you think cases coming within the concurrent jurisdiction of the Supreme Court and the Court of Requests take up much time of the Judges? I think it is very seldom that cases are brought in the Supreme Court where the Court of Requests for the County of Cumberland has concurrent jurisdiction; but I know many cases which might be brought in the Supreme Court are brought in the Court of Requests, for the sake of cheapness and the saving of time.
63. *By the Chairman*: Are there many cases of application to the Supreme Court for prohibition from the Court of Requests as now established? I do not remember one for a great number of years from the Court of Requests for the County of Cumberland. I think the last application of the kind was in a case from a Court of Petty Sessions. The only case that I remember from the Court of Requests for Cumberland was one in which the point was as to the power of a physician to recover his fees.
64. There are a few such cases, but only a few? I can hardly call it a few, for that is the only case that I remember in a great number of years. It was not a prohibition, but a special case reserved for the opinion of the Supreme Court, under the Commissioner's power to do so.
65. *By Mr. Buckley*: Is it your opinion that if District Courts are established they will be likely to increase the business of the Supreme Court? I do not think any person can give an opinion on that point until we see who are the Judges appointed.
66. *By Mr. Deniehy*: Your opinion then is, that the whole working of system of District Courts depends on the appointment of the Judges? Yes.
67. *By the Chairman*: You think they should be men of undoubted character and ability? Yes.
68. *By Mr. Deniehy*: Do you think salaries of £800 a year would secure efficient Judges for the District Courts? I should have very great doubts about it.
69. You think that suitors in Equity are laboring under very great disadvantages from the present state of things? There is no doubt about it. I may mention that there is a suit pending, in which I am concerned, involving the title to property of the value of £20,000, perhaps more than the whole amount for which actions are brought at any sittings on the Common Law side. We cannot move in the matter. I gave notice of motion on the 18th May, but it has not yet been heard, nor is it likely to be. The generality of Equity suits are for much greater value than Common Law cases, a great portion of them involving questions of real property.
70. *By Mr. Buckley*: Do you think there is much distress amongst this class of suitors in consequence of the delay which takes place in obtaining the decision of the Court? No; because litigants in the Court of Equity are generally of the more opulent class.
71. *By Mr. Deniehy*: Still, great inconvenience and hardship must be inflicted upon them? Yes, of course.
72. *By Mr. Buckley*: Are not many widows and orphans interested in Equity suits? I am not prepared to say.
73. If the parties were dependent upon the property in litigation for income they would be shut out from obtaining it. Yes.
74. *By Mr. Deniehy*: You cannot make any suggestions by which you think the Common Law side of the Court could be relieved? No; that will depend very much on the working of the

R. Baubury, Esq.
2 July, 1858.

the District Courts when they come into operation. With the majority of suitors expense would not be considered if they had not confidence in the jurisdiction. They would say they would rather come to the Supreme Court, where they can be certain of obtaining a correct decision, than have cheap law and doubtful justice.

75. *By the Chairman*: Is it not the fact that, although trials in the Supreme Court are cruelly expensive, yet the law expenses are comparatively trifling? Yes, the law expenses are trifling; it is the expense of witnesses—bringing them down from great distances, and keeping them in Sydney—that makes the costs run up.

76. The Committee would be glad to hear anything else you may have to state with regard to the practice of the Courts, or any suggestions as to reforms which you think would facilitate business, or enable the public to have the Courts more efficiently carried out? I have nothing further to suggest.

FRIDAY, 23 JULY, 1858.

Present:—

MR. BUCKLEY

MR. OWEN.

MR. MARTIN,

THE HON. JAMES MARTIN, ESQ., IN THE CHAIR.

Henry Cary, Esq., Barrister-at-law, called in and examined:—

Henry Cary, Esq.
23 July, 1858.

1. *By the Chairman*: Can you state generally the condition of the Equity business of the Supreme Court at the present time? I am myself concerned in between forty and fifty Equity causes, which are in different stages of progress. I can state in what condition they are; and I presume other causes must be in the same state.

2. What is the condition of the business as regards those causes? Great denial of justice is the consequence of the Equity Court not sitting. In some cases the denial of justice amounts to ruin to suitors—temporary ruin.

3. How often has the Equity Court sat during the last six months? I cannot speak exactly from memory; I should say not a fortnight. I only remember, at the present moment, one important cause that has been argued since Christmas.

4. What number of causes are there ready for hearing? I know there were set down last week twelve; and there are others, I know, in which I am concerned, which are ready to be set down, but I cannot say how many;—there are several.

5. Do you know whether these causes are of considerable importance or not? Some are of very great importance. There is one—I may mention the name of the cause, Egan v. Sumner—involving a large amount of property. There is another ready for hearing—Purvis v. Attorney General—which has occupied no less than fourteen days, most of which were whole days, in taking evidence in the Master's Office; and which, I think, is one of the heaviest causes that has come before the Court for many years. If I had a list with me I could mention others.

6. Has the Court sat for purposes other than the hearing of causes more frequently? Occasionally a few minutes have been snatched, during the intervals between the progress of other business, to get a motion in.

7. Do you know of any motions in Equity that have been delayed in consequence of the Court not sitting? I know one—an instance of the ruin I mentioned just now: A receiver was appointed to an estate; he chose to abandon his duty, and got released by the Court; no other receiver has been appointed, and cannot be unless the matter is fully discussed. In the meanwhile the tenants will not pay their rents; and the child who ought to be the recipient of those rents is, I believe, in a state of destitution—at all events, nothing is transmitted to England, where the child now is.

8. No remedy can be applied till the Court sits? None. And then the motion will be one of some consequence, because of the Court having taken upon itself to discharge the receiver *ex parte*, without appointing a receiver or trustee in his place.

9. Do you know whether the time of the Judges is fully occupied, notwithstanding that they do not have Equity sittings? I think they attend in Court as much as Judges can be reasonably expected to attend.

10. Are you aware that during the sittings for the trial of causes there are almost always two Courts sitting? I am; but I think the administration of justice on the Equity side should not be put aside in order to speed Common Law actions, which are of very trifling importance, comparatively speaking, in many instances.

11. Are you also aware that, notwithstanding two Courts sit for the trial of causes, the Common Law causes are also in arrear? Certainly; but I think that is to be accounted for.

12. In what way? By the unusual protraction of two or three causes, especially the Newtown Ejectment case, which, I take it, has occupied one-sixth of the whole year, within twelve months from this date; and two or three squatting actions. But for these causes there would be very little arrear indeed on the Common Law side. When I say one-sixth of the whole year, I mean the judicial year—the time devoted to hearing causes or suits of any kind.

13. Assuming that the Supreme Court has been established for the disposal of business in all its jurisdictions with some reasonable degree of dispatch, do you think the present number of Judges is sufficient to dispose of that business in that manner? No, I do not.

14. How many Judges do you think there ought to be? In my opinion there ought to be five.

15. Would you recommend that they should all be appointed Judges of the Supreme Court, each

each discharging like duties with the other, or would you apportion any particular duties to one or more of them? I would make one the Equity Judge, who should take also Ecclesiastical matters, Admiralty, and Insolvency; and the others should attend to the Common Law.

Henry Cary,
Esq.

16. I presume you would give an appeal from the Judge in Equity to the full Court? Yes; making him a Judge in Appeal.

23 July, 1858.

17. A suggestion has been made, that if an Equity Judge were appointed he might perform the duties of Master as well—do you think that practicable, or advisable if practicable? I think it both advisable and practicable. A great deal of the delay and expense of Equity suits is to be accounted for by the fact of the evidence having to be gone over three times. It is first taken by the Master, then read cursorily to the Judge in Court, and afterwards considered by him in his own private room. Now, if it were taken by the Judge himself, as at *nisi prius*, he would be enabled to decide with more rapidity, at much less expense to suitors, and with more certainty—with more certainty, because I think that when reading the evidence over privately, often after the lapse of several weeks he would be apt to forget the arguments of counsel; which, in cases of difficulty, are second only to the evidence itself in the elucidation of the truth.

18. Has not the Master a great variety of duties to discharge besides taking evidence? He has; but for the most part they are formal duties. I am quite sure that nineteen out of twenty of the minutes or decrees which the Master has to draw or settle can be drawn as well by an efficient clerk; and that the Judge, if he took the Master's duties upon himself, would only have to settle the more difficult decrees and orders.

19. Do you not think it would conduce very much to the efficiency of the administration of justice in the Equity jurisdiction if the Judge had time to consider his judgments and prepare them carefully, instead of having his time occupied and his attention distracted with the taking of evidence, as the Master does it? If he were himself to do the whole of the duties of the Master, I certainly think it would call off his attention too much from the more important points; but I think that in a large majority of cases,—especially in all in which it is not thought necessary to employ counsel, and in those in which not so much the facts as the law or the equities of the case are principally in question—the evidence being for the most part of a formal character, might be taken with equal advantage before the chief clerk. In heavy cases, where there would be conflicting evidence, I think the Judge should take it and could take it.

20. Supposing that plan to be carried out, would it not involve the appointment of a gentleman of superior ability as chief clerk, with a higher salary than any clerk in the Master's Office has at present? Decidedly. He should have £600 or £700 a year.

21. Then the saving would be the difference between the salary paid to the chief clerk and that now given to the Master—say £400 or £500 a-year? That would be the saving to the revenue; but the saving to the suitors would be many thousand pounds per annum.

22. In what way? By diminishing the expense of suits.

23. Would not the same copious evidence have to be given? Yes; but at the present time the Master has to decide on the reception of evidence. Long arguments take place before the Master on such questions, and he naturally is unwilling to reject evidence, if there is a pretence for having it introduced; so that the evidence is much more bulky in amount, and a great deal of time is wasted in arguing points—which the Judge would check at once, he having power to decide the matter finally, which the Master has not. In a recent case, where I was fourteen days in the Master's Office—almost all of them whole days—I am quite sure nearly half the time was consumed in discussion on the right to put certain questions or not. That was the case already mentioned—*Purvis v. Attorney General*.

24. If that time were occupied before the Judge, would he not during that period be prevented from hearing causes and deciding motions, thus delaying that branch of the jurisdiction? I say the Judge would not allow such time to be taken up; it is time wasted.

25. How could the Judge prevent counsel from arguing points any more than the Master? I think arguments are pressed before the Master that would not be pressed before the Judge, and are repeatedly renewed.

26. You held the office of Master yourself for some time? I did.

27. How long? Fifteen months.

28. Then we are to understand that you are deliberately of opinion that the present Judges are insufficient in number, and that five are required? Five are required to do the work completely, and as it should be done; but a fourth Judge is absolutely indispensable.

29. With the present number of Judges they are compelled to select which kind of business they will proceed with in preference, and it seems they prefer going on with the Civil business rather than the Equity, as they cannot do the whole of it? They exercise that privilege; but I do not think they ought to have it.

30. Are they not compelled to do it? I think the compulsion is the other way; to give each its fair share of attention, I think that, as the ordinary business of every-day life, an Equity Court should be permanently sitting.

31. In theory, the Court of Equity is supposed to be always open? In theory it is.

32. But in practice it is open about a fortnight in six months? Yes. The Court of Equity is trustee for large numbers of persons for large amounts of property, but these trusts are not administered now.

33. *By Mr Buckley:* What branch of the business of the Supreme Court is most in arrear—is it the Equity? No; I think all are in arrear. It is difficult to say the amount of Equity business that is in arrear, because solicitors will not press causes, from hopelessness of having them heard; whereas the arrears at Common Law are patent to everybody.

34. You say two Courts are sometimes sitting at the same time for the trial of causes—how is the third Judge occupied when that is the case? He is either in Chambers in the morning, disposing of matters that can be decided by a single Judge in Chambers; or preparing judgments; or taking that recreation which men so severely taxed are entitled to.

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35. Is much of the time of the Judges occupied in private in their judicial duties? A great deal. They must be reading a great deal. From my own personal knowledge of the late Primary Judge, his labors in his own house were as fatiguing as those in Court.
36. You think it desirable to dispense with the Master in Equity? I think it would be better if the Judge took the Master's duties, with the assistance of an efficient clerk to take the least responsible part of them.
37. That clerk would require to be a legal gentleman? Of course.
38. Would it be a saving of £500 a-year if that arrangement was carried out? I should say of £400, not of £500. I do not think you could get an efficient clerk for less than £600 a-year.
39. The present salary of the Master is £1,000? Yes.
40. *By Mr. Owen*: Have you any notion of the value of the property involved in cases held back from the Court of Equity in consequence of the small prospect of having them heard—for instance, you have heard of the suit concerning Jobbins' property? I believe it is £80,000.
41. And the suit under Terry's will? The property is vast; but how much of it is still in litigation I cannot say. I know of a new suit in reference to about £27,000 or £28,000. And I have a bill at this moment drawn, but not signed, in which the nominal value of the property is £150,000—that is to say, the capital stock which will be in question amounts to £150,000.
42. There are other properties in certain proportions? Yes, in very large amounts. There is another property concerning which there are two suits, and I think the sum is £7,000.
43. Are you of opinion that the delay incident to the suits now incipient, as it were, will be irreparable to the parties? In some cases it will, in others not.
44. What would be the prospect of hearing and disposing of a suit of any magnitude if it were initiated to-day? As matters now stand I should not expect to see it decided in two or three years. If there were an Equity Judge it might be decided in four or five months.
45. You do not think that, as the business stands at present, it would be decided in less than two or three years? I do not think so, indeed.
46. Do you think, with reference to the question about the saving of expense by doing away with the office of Master, that any facility would be obtained in the hearing by the appointment of a short-hand writer to take down the evidence? If the evidence were taken before the Judge in Court it would, but not if taken in the Master's Office.
47. *By the Chairman*: Have you any other suggestions to offer to the Committee in reference to the matters they are appointed to consider? I have a suggestion to make—more in reference to what I understand to be the public feeling, than as an opinion of my own—that if a permanent Judge is not appointed, the next best plan would be the appointment of a temporary Judge; or rather, that a Judge should be appointed for a time to work off arrears, with a permanent tenure of office to the individual, leaving it to the Legislature to determine from events, whenever a vacancy may arise, whether they will fill up that vacancy, and so create a fourth Judgeship as a permanent office, or not, after having seen the effect of the District Courts Bill, if passed. I only suggest that plan as a compromise.
48. Is there any precedent for such a thing? Yes, I think so. I believe that the first Vice-Chancellor of England was appointed for a term of five years, to assist Lord Eldon. That has been my impression ever since I was a young man at the Bar, and that his services were found indispensable, and he was continued, and two or three others appointed since as Vice-Chancellors.
49. Is it not regarded as a fundamental principle that the Judges should be appointed during good behaviour? I propose that that course should be now adopted,—that the additional Judge should be appointed during good behaviour, and that on the occurring of a vacancy another fourth Judge should not be appointed without a vote of the Legislature. That is to assume that, in all human probability, there would be a vacancy on the Bench in the course of two or three years.
50. Either by the death or retirement of one of the Judges? Yes.
51. *By Mr. Buckley*: Could you find any gentleman at the Bar who would take such an appointment? Yes, as he would take any Judgeship. It would not be temporary to him, although, in case of vacancy, another fourth Judge might not be appointed.
52. *By the Chairman*: We will put this case: Supposing that in one month one of the present Judges retires, and that in twelve months the other two retire; if their places were supplied by others, as we may assume they must be, the probabilities would be less than at present of any vacancy, which would give the Legislature an opportunity of deciding upon the permanency of the appointment of a fourth Judge in the way you suggest, within a moderate period of time? I think that might be met by empowering the Government to issue a commission to a barrister for a time, as is invariably done in every circuit in England. In every circuit in England, one barrister, who goes the circuit, has a commission to hear causes and try prisoners, with equal powers as a Judge.
53. Is it ever done with reference to Equity matters? I have never known it so; but the commission might be applied to a Common Law Judge, not to the Equity Judge.
54. *By Mr. Owen*: Where the Seals are held in Commission? The Seals are held in Commission by three formally. I think those who hold Seals in Commission are Judges generally, not barristers.
55. Judging from the general aspect of the business of the Supreme Court, is it likely it will be so decreased in five years as not to require a fourth Judge? I think not. I think it will probably increase.
56. *By the Chairman*: Does it not follow, then, that the appointment should be at once permanent? I think so. I have already stated that I propose this as a compromise, in reference to what I believe to be unwillingness on the part of influential persons to grant a fourth Judge.

57. What do you think will be the effect of the establishment of District Courts, supposing them to have a jurisdiction of £200? I think it will defeat one of their objects: that is to say, that instead of poor people having their little causes tried, a large proportion of the time of these courts will be occupied—in some districts at all events—in large actions, squatting actions, for instance, which will exclude business in the same way as in the Supreme Court at present.

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58. *By Mr. Buckley:* In that case, the extent of the jurisdiction of the District Courts will prove a serious inconvenience? I think so. In some cases lately tried, where the damages were laid at £1,000, mainly to try a right, I believe they would rather lay the damages at £200 to get speedy justice.

59. If competent persons were appointed as Judges of the District Courts, is it likely there would be appeals from them to the Supreme Court—would it not depend a good deal on that? Of course the confidence of the public must depend upon the competence of the Judge; but I do not think Judges could be obtained, at the salary likely to be given to a District Court Judge, from the present material of the Bar equal to take the position.

60. Do you happen to know what salaries are intended to be given to the Judges appointed under the District Courts Bill? I have heard £800 a-year.

61. Is that sufficient to secure the services of competent men? No.

62. *By Mr. Owen:* Is your notion as to the failure of the District Courts Bill influenced by the amount being £200, instead of a smaller sum? It is.

63. *By the Chairman:* Perhaps you will be kind enough to state anything more that occurs to you in reference to this matter? In inquiring into the causes for the serious inconveniences occasioned by the delay of justice, I think it no less necessary to notice defects in the practical working of the present system, than the mere fact of present difficulty arising from an overwhelming amount of arrears. The latter can only be removed by an addition to the judicial staff—the former may be cured by different and more stringent rules more rigidly enforced. I refer now more particularly to the Term Paper and the Cause List, on both of which the arrears are very heavy. The number of cases seen in the Term Paper is, to no small extent, occasioned by the practice in force in this country which allows a new trial to be moved for on the certificate of counsel. Counsel certifies; execution is thereby stayed until after the notice has been disposed of; and, when it comes on for argument, any number of counsel may be heard in support of it. In a case of any magnitude three are commonly heard—there are as many probably on the other side who have to be heard also. It is true that the Court need not call on the opposing counsel to support their verdict, but it usually does so, even when the case is very strong against the moving party. The reason, I presume, is to be found in the motives which usually actuate mankind in seeking to have their own conclusions justified by the reasonings of others, especially when there are others ready and engaged to give them such support. In England the counsel for the party defeated on the trial has to move *ex parte* for leave to move a new trial—if he does not make out a strong *prima facie* case his motion is refused (and this frequently happens), and in that case the public time and suitor's purse are spared the pressure upon them which an argument by several opposing counsel commonly involves. Another cause of delay in clearing the Term Paper is to be found in the (perhaps at present) unavoidable practice of deferring the conclusion of arguments to a distant day. In such cases a great part of the same ground has to be travelled over again, with more waste of time and money. This evil will doubtless be, to a considerable extent, remedied, when once the business of the Court has been brought to a level with the strength of the Court itself. At present it is a great and a growing evil. Then with regard to the Cause List,—it must be patent to every one who attends our *Nisi Prius* Court, that a large portion of time, amounting on an average to not less than one day in the week, is wasted by delays in one quarter or another. The rules are good, but they are not obeyed—they are not enforced. The jury are to be in attendance at a quarter before 10 A. M.; sworn at 10, and the first cause then called on.

64. How often is a cause commenced at that hour? I believe scarcely once in a month. Fines, it is true, are nominally imposed, but very rarely enforced; nor does the blame rest with the jurymen alone—the whole course of business has become lax and irregular. The Judge will often not appear in Court until informed that a jury has appeared; counsel will not leave their chambers until the cause is ready to proceed—and jurymen, probably, do not attend punctually because they find that punctuality is the exception, not the rule. So, delay, by whomsoever commenced, acts and re-acts throughout the whole of the *dramatis personæ*. Surely our Courts of Law, which form a most important part of the body politic, should be regulated with the same precision and punctuality as are to be seen in the department of a Minister of State, or in the counting-house of a merchant.

The Honorable Robert M'Intosh Isaacs, Esq., M.L.C., examined:—

1. *By the Chairman:* How long have you been practising at the Bar of this Colony? Two years and six months.
2. You are conversant with the present state of the business of the Supreme Court in all its jurisdictions? I am, but more so with the business on the Common Law side of the Court.
3. What is the state of that branch of the business, so far as your knowledge extends? It is very considerably in arrear.
4. You are aware that generally there are two Courts sitting for the Trial of Causes? Yes, two *nisi prius* Courts.
5. And, notwithstanding that, the Common Law business is in arrear? It is; but the arrears in regard to the trial of causes are not so great as in regard to the *banco* business, as far as my knowledge of cases extends.
6. Do you know the state of the Equity business? I have personal knowledge, to a certain extent,

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extent, of the state of the Equity business, being engaged, I think, in some six or seven pending causes.

7. Is that much in arrear? The Equity business already commenced is very much in arrear; and I am informed by those who are more especially practitioners in the Equity Court, whose business is almost confined to the Equity Court, that there are many causes in embryo which suitors are most desirous of having set down and heard, but which are not set down, simply because there is no hope of their being brought to a conclusion within a reasonable time.

8. The parties are unwilling to incur the expense of taking them up to a certain point, when they cannot dispose of them finally? Just so. This is only hearsay information.

9. But you have no doubt of its accuracy? I have no doubt whatever of its accuracy. Indeed I believe I have sufficient personal knowledge to confirm the statement.

10. Can you state whether the time of the Judges is fully occupied? I am of opinion that the time of the Judges is fully occupied. I am further of opinion, that for the last twelve months the Judges have been overworked—referring to their own comfort, convenience, and health, and to the interests of suitors in the Court,—that the labors imposed upon them, and the duties they have performed, and are performing, are greater than those performed by Judges either in England or elsewhere, where I have had any experience.

11. How many Judges are, in your opinion, necessary for the transaction of the business of the Supreme Court in all its jurisdictions, with reasonable dispatch? I am of opinion that a fourth Judge is indispensably necessary, and that if an Equity Judge, strictly so-called, is to be appointed—that is to say, a Judge who shall confine himself exclusively to Equity—then a fifth Judge is also indispensably necessary; because I am of opinion that three Judges cannot perform the duties of the Common Law side of the Court; and I think it would be well for me to give an illustration of what I mean. The assizes are held at the same period of the year, each commencing within a week of the other—Maitland standing first, Bathurst second, and Goulburn third; but as only a fortnight elapses from the commencement of the Maitland Circuit to the commencement of the Goulburn Circuit, three of the Judges must be out of town at the same time for about a fortnight; of course the number of days varies according to the state of business on the different Circuits, but I think, generally speaking, a full fortnight elapses. Therefore, if there were but three Judges for Common Law business, while the fourth is only an Equity Judge, and not disposable for any other business, Sydney would then be left without a Common Law Judge for that period, so that there would be no Judge to accept surrenders of insolvent estates, or to whom application could be made for a writ of arrest for an absconding debtor, or for a writ of *habeas corpus*, or other exigent matters. I therefore think, as the conclusion of the whole, that if only one additional Judge be appointed, although his primary duty should be to sit in Equity, he ought to be disposable for these matters; but I think his assistance in the Common Law business ought to be confined to them, and that he ought not to try causes, or sit with the other Judges *in banco*.

12. What would you think of a plan, which has been suggested to the Committee, requiring the Equity Judge should be appointed to discharge the duties of Master also? I am of opinion that that plan is not an advisable one. I do not see the great benefits which others think would result from the change and from the abolition of the Mastership.

13. Do you think it practicable or advisable to appoint a fourth Judge as a temporary expedient, merely as an experiment? I do, as a temporary expedient, in the way suggested by Mr. Cary. I understood Mr. Cary to mean—and I presume the Committee so understood him—that the person to be appointed should be so permanently, but that the office of fourth Judge should be temporary; so that, should the Legislature, after having experience of the benefits of the labors of a fourth Judge, nevertheless not choose to provide for another fourth Judge, on a vacancy occurring, they would have the opportunity of withholding that provision. But I think the appointment as regards the office, as well as the individual, ought to be permanent in the first instance; because I do not think a fourth Judge will do more than keep down the business in all departments.

14. Of course you would recognise the propriety of the Judge, however appointed, having a salary placed beyond the reach of interference, in the same way as the other Judges? Unquestionably; I think that ought to be the case with every Judge. I do not think any Judge can be expected to discharge his duties aright if the amount of his salary depends upon the fluctuating opinions or feelings of any legislative body.

15. You would make the same provision for him as regards pension? I think so; in order to induce a person of any standing—such a person indeed as ought alone to be appointed—to take the office; and, moreover, I think, that if he is to be the fourth Judge of the Supreme Court, it would be improper to place him on a different footing from the other Judges: an invidious distinction of that kind would be calculated to do great harm, in this way—that he would feel that the community was not entitled to the same amount of labor from him as from the other Judges. I think that would be a natural feeling, and therefore that it is inadvisable that any distinction should prevail.

16. In that case, as four permanent salaries would be set apart, and provision be made for four pensions, would it not then be necessary to enact that the Government should not fill up the appointment occurring at the next vacancy without the assent of the Legislature? I am disposed to think so. Provided the appointment of the person be permanent, I see no harm in leaving the question of the permanency of the office at the disposal of the Legislature; though I think it is desirable that the office itself should be also finally provided for.

17. Are you of opinion that the passing of the District Courts Bill, with a jurisdiction of £200, will affect in any way the business of the Supreme Court, so far as regards the necessity for a greater number of Judges? The institution of District Courts, with a jurisdiction of £200, might at first slightly relieve the Supreme Court; but I think that the diminution of the business thus effected would be very much to the prejudice of the persons specially intended to be benefited by the District Courts Bill, in this way:—It is likely that

many

many of the squatting actions now tried in the Supreme Court, and which occupy a very considerable portion of its time, would be brought in the District Courts, for very obvious reasons: as a general rule, the witnesses reside in the neighbourhood; the expenses, therefore, of taking them to the District Courts would be less than of bringing them to Sydney. There are other reasons which occur to me, but which it is unnecessary to enumerate. Now, if that effect were produced, the hearing of the smaller causes would, in my opinion, be necessarily postponed to a very great extent, and, in point of fact, very few small causes would be heard at all.

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18. With reference to such causes, particularly squatting actions, have you not found that the parties desire to try them as far from the *locus in quo* as possible—that is to say, that they prefer coming to Sydney, instead of trying their causes at the Assize Courts, notwithstanding the increased expense? I have found that to be the case where it has been thought by one party or the other that there was local feeling. I had that in my mind when I answered the former question, and it does not affect my opinion, for this reason,—that the causes to which I referred cannot now be tried in the immediate vicinity of the *locus in quo*, but at the next Circuit Town, where it may happen that one of the parties, and not the other resides; and the party not residing in the neighbourhood of the Circuit Town fears the influence his opponent may have in the district immediately adjoining his residence, not in the *locus in quo*.

19. As a general rule, do you think justice would be as well administered in the immediate neighbourhood, in a thinly peopled country like this, as it would be in Sydney? I think not, decidedly.

20. And if not, would not the result be, that in almost every case there would be an appeal? I believe the appeals from the District Courts will be exceedingly numerous, and I have very great doubts whether those Courts will in the end work any diminution in the business of the Supreme Court. This answer may appear inconsistent with the former one, but it is not, because, though many of these squatting cases might be tried in the District Courts, yet, as the value of the property is generally very large, and as in the course of a long trial there are almost always points taken with the decision of which the unsuccessful party feels dissatisfied, there would very frequently be an appeal to the Supreme Court; and, therefore, such cases would not only occupy the time of the District Courts, and exclude the trial of smaller causes, but they would, after all, be tried over again in the Supreme Court, and occupy its time also. Thus, I think, the relief afforded by the District Courts, with the suggested jurisdiction, would be only temporary.

21. In that case, actions would not only occupy longer time, and be less satisfactorily disposed of, but be more expensive as well? No doubt. And I may be permitted to add here, that I think extending the jurisdiction of the District Courts to £200 will defeat the very object of their institution,—namely, the trial of small causes. I think the statistics of the County Courts in England show that about ninety per cent. of the causes tried are under £5, and a very large proportion under £2.

22. *By Mr. Buckley:* It is your opinion, then, that the District Courts will be a nuisance instead of a benefit? If extended to £200.

23. Not otherwise? I think they would work far more favorably if their jurisdiction were limited to £50 in amount, and such actions as slander, seduction, adultery, and all actions connected with real property were excluded from it.

24. Would you allow them any criminal jurisdiction? I would. Indeed, I am inclined to the opinion that the District Courts might have been tried at first with a criminal jurisdiction alone. But I have not sufficient experience of the remote interior to be able to form a very satisfactory opinion.

25. *By the Chairman:* You are aware that the criminal jurisdiction cannot be extended to other places than those it is now extended to, without a large and immediate outlay for gaols and places of security? I am. That, of course, forms a very serious drawback. But, in prosecuting for the Crown on two or three occasions at Goulburn, I have been forced to the conclusion that some change in this respect is absolutely necessary, by ascertaining the immense journeys which persons have to make as prosecutors and witnesses against prisoners. In one case, I remember a man coming upwards of three hundred miles to give evidence against a person for stealing, I think, a pair of trousers and a clasp knife. The circumstances under which that larceny was committed were certainly very gross, and yet, I have no doubt, very few persons would have undertaken such a journey for such a purpose; and, no doubt, on account of the inconvenience attending prosecutions, many crimes escape punishment.

26. *By Mr. Buckley:* Unless the District Courts have criminal jurisdiction, do you not think parties would refrain from prosecuting in many cases? Unquestionably. I say it is a knowledge of the inconvenience at present existing which has induced me to adopt the opinion that it would be well for the District Courts to have criminal jurisdiction. The question of expense is, of course, a very important one; as, no doubt, it would be very great indeed.

27. All towns in which District Courts were held would then require to be furnished with similar buildings to those at Goulburn? Similar in kind, of course, but not in extent.

28. Do you happen to know the amount of salary proposed to be given to the District Court Judges? I have heard two sums mentioned—£800 and £1000. Of course I am not aware which it is to be, or whether either of these sums is an approximation to what will be fixed.

29. Is it your opinion that thoroughly competent Judges can be obtained for such a salary? I think not, for this reason,—that the amount involved in an action is no criterion of its importance, and the law which the District Court Judges will have to administer is exactly the same as that which the Judges of the Supreme Court have to deal with. Questions would be quite as difficult, quite as complicated, as those in the Supreme Court, with some abatement to be made for certain classes of cases which would be generally brought in Sydney;

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Sydney; for instance, cases arising out of shipping transactions, actions on bills of lading, and so on.

30. The value and usefulness of these Courts would entirely depend on the kind of Judges appointed? I think so. I have no hesitation in stating, that, in my opinion, if competent Judges are not appointed, the Bill will be a decided curse, instead of a benefit to the community. There would be no confidence on the part of the public, and general discontent would prevail.

31. *By Mr. Owen*: Is that opinion chiefly influenced by the circumstance of the large amount of the jurisdiction? To some extent, but not altogether. It is of as much importance for the man in a small way of business, or in a lower condition of life, to have his £15 or £20 case properly decided, as it is to the man of higher grade to obtain justice in a case of greater amount.

32. But in proportion as the cases are larger so must the importance of the Court be affected, both as to the Judges and as to the suitors? No doubt.

33. People, I presume, will not appeal in a £15 or £20 case? I should think not, certainly, unless they are very litigious indeed.

34. You are aware that a £30 Court has been existing in the County of Cumberland for a considerable period? Yes.

35. Are you aware whether the decisions of that Court have been satisfactory to the public? I believe they have been, generally.

36. To return to the subject of the Supreme Court,—do you conceive that in the present state of its business, and the suppression of business by delay, great injury is done to the public? I have no hesitation in saying that the injury is very great indeed, particularly in regard to suitors on the Equity side of the Court.

37. With respect to squatting cases, has it ever occurred to you that some tribunal could be established for the purpose of trying those causes, and taking them out of the Supreme Court? I have had the matter under my consideration—indeed the immense time consumed in trying such causes has forced the matter on my consideration—and I have arrived at the conclusion that it would be extremely desirable if some tribunal other than the Supreme Court could be appointed for the purpose of disposing of them; but, at the same time, I see very great difficulties in the way of it. I think it would be unsatisfactory, in most cases, to the parties to have a Court of extraordinary jurisdiction created for the decision of their rights, or, in other words, that they would be dissatisfied at being deprived of the right of going before the ordinary tribunals.

38. Are not the questions involved in squatting actions generally connected with the rights of the Crown? In some cases the question of license, or lease, has arisen. I have been engaged in a considerable number of squatting cases during my practice here, and in one or two of these only has the question of license, or lease, been a prominent point.

39. And, also, the extent? And, also, the extent, involving the question of possession. I may state here, that if every squatting case were tried, as it in my opinion ought to be, as a possessory action, such cases would occupy much shorter time than they have hitherto occupied.

40. Are you at all aware of the nature of the Court of Claims that has existed in this Colony for many years? I can scarcely say I am. I have not happened to be engaged in any case in that Court, nor have I considered the nature or extent of its jurisdiction so as to give any satisfactory answer. My principal knowledge of it consists in a mere cursory reading of the Acts connected with it.

41. You have some general notion of its duties? I have.

42. Do you think any Court analogous to that could be established for disposing of squatting actions? A Court for the disposal of squatting actions must of necessity bear some analogy to the Court of Claims; but I am of opinion, referring to the nature and importance of the questions involved in squatting actions, that the Judge, or Judges, of such a Court ought to be as well versed in law as the Judges of the Supreme Court.

43. Should the appointment of a Judge, say to the Equity branch of the Supreme Court, be delayed, what is likely to be the result? That depends, of course, upon the distribution of the time of the existing Judges.

44. Is there any hope at all of their being able to get rid of any of the Equity business, or must it go on accumulating? It must go on accumulating unquestionably; but I am of opinion, looking to the vast amount of arrears on the Equity side of the Court, and speaking, of course with all respect to the Judges, that they ought to have discontinued the second *nisi prius* Court, (for the sitting of which provision was made in view of there being four Judges) and that one of the three ought to have devoted his time to Equity business. I think, in short, that there has been an unfair distribution.

45. That would increase the evil on the Common Law side? Unquestionably; but not, I think, to the same extent as regards the interest of the community.

46. But it is an evil in either case? It is.

47. Merely removing the burden from one shoulder to the other? Yes. The whole is comprehended in this, that a fourth Judge is absolutely necessary to clear off arrears and keep down the business.

48. There is no hope of doing so without? No, I think not. I have no hesitation in saying that the Judges have done all that men could possibly have done to clear off the arrears, (and I believe they would bear me out in saying that they have been assisted by the Bar). I say this as regards the amount of time bestowed on the business of the Court; but I think the distribution has not been fair to suitors.

49. Some order is being made with regard to the setting down of causes—what is likely to be the result of that? The result of that will be merely temporary. There will be a large arrear of causes waiting to be set down; and, as a matter of course, a rush whenever the impediment is removed. But I think—speaking again with great respect to their Honors—that the order is a very improper one.

50. *By Mr. Buckley*: How do you account for so many applications for new trials? Probably to some extent from the practice which has been adopted here, (differing from the practice in England,) under which a new trial is moved for on the certificate of Counsel. In England, an application is made to the Court for a rule *nisi*, calling on the other party to shew cause why a new trial should not be granted; and in many instances that application is at once refused. Here, if Counsel certifies that, in his opinion, there are grounds for a new trial, then the matter is set down for hearing at once. In point of fact, Counsel are practically invested with the function of granting permission to make motions for new trials.

51. Is it desirable that practice should be continued? This matter is at present under consideration. The inclination of my own mind is in favor of the English practice, and against that which prevails here. I speak guardedly, because several professional friends, for whose opinion I have great respect, seem rather inclined to the opposite view. I may state, that their Honors the Judges have communicated with the Bar on the subject.

52. Do you think the desire for litigation is increasing generally in the Colony? I should not be disposed to say that the desire for litigation is greater than the variety and multiplicity of business in a new country would lead one to expect. My experience would not induce me to say that this is a very litigious community.

53. *By Mr. Owen*: Are the certificates for new trials not mainly induced from the fact of the considerable accumulation of business, and the consequent certainty of great delay to the plaintiff in getting the benefit of his verdict? I should hope not. In certifying myself, I consider, as I have stated, that I really occupy to some extent a judicial position; and I certainly would not consciously sign a certificate for a new trial unless I felt that the grounds stated were sufficient. But, on the other hand, I am quite alive to the impression which is made on the mind of an advocate, during the course of the cause he has in hand, in favor of his client; and as we are generally called upon to certify within twenty-four or forty-eight hours after the trial has taken place, when that feeling has hardly had time to subside, I have no doubt certificates are very often improvidently given (though not consciously) without grounds. I am justified in saying that this is sometimes the case, because I so frequently find that the Judges discharge rules when argued before them.

54. Very few cases are tried which do not present some points that may be alleged as grounds for new trial? There must be such questions in every complicated case.

55. There is scarcely a case, I presume, that would not give some ground for a motion for a new trial? Those that would not are very rare indeed. I would state, with regard to the question put to me as to the state of the arrears in the Common Law side of the Court, that the number of cases in the Term Paper unheard is fifty-three or fifty-four, which may be thus classified:—fourteen demurrers, one special case, one writ of error, and the rest new trial motions. The vast proportion, therefore, are new trial motions. I think that is a correct statement.

56. Do you know how many cases there are down for trial? I believe thirty-nine.

57. *By the Chairman*: Have you any further suggestions to offer to the Committee with reference to the subject we are considering? The only subject embraced in the questions put to me by the Committee, on which I desire to offer any further remark, is that involved in the 12th question, viz., the expediency of abolishing the office of Master in Equity. I believe, that as soon as it is found that an Equity Judge is to sit regularly for the hearing of causes and the general dispatch of business in that branch, there will be a large increase of cases brought before the Court; and that the additional labour thus entailed upon the Equity Judge will fully occupy his time, and render his assumption of all the special duties now discharged by the Master impossible, particularly if his jurisdiction is to extend to Insolvency, Lunacy, Ecclesiastical, and Admiralty matters, which I think most desirable. It ought to be borne in mind that the Master's duties in this Colony are far more various and multifarious than those which devolved on the same officer in England. Here the Master combines with the functions of Master proper, those of Registrar, Clerk of the Records, Taxing Officer, and the book-keeping duty of the Accountant General in Chancery. These are all, in my opinion, matters which ought not, even if it were practicable, to be transferred to a Judge of the Supreme Court, and are all too important to be committed to an officer of less standing than such as may be deemed eligible for the office as at present constituted. In regard to one of the Master's duties, that of taking evidence, the public might, and I think would, benefit in the saving of time as well as expense by its being transferred to the Judge; and I do not think that this would add materially to the labor of the latter. If evidence were taken *vidé voce* in Court, the Judge would have the advantage which that mode of examination has always, in England, been thought to possess over that of the civil law system. In most cases he would be enabled to decide at once, as juries do on trials at Common Law; and in the cases—few in proportion—involving numerous complicated facts, he would require to make reference to his own notes, containing the salient points of the evidence, instead of being compelled to wade through the ponderous mass of extraneous matter which, under the existing mode of taking evidence, is constantly submitted to the Court. This part of the Master's duty, and this alone, may with advantage, and ought, in my opinion, to be transferred to the Judge.

Saving to the Public.—The common excuse for experimental changes may be urged in favor of the suggested alteration; but this I think—as is usually the case—a deception. The actual expenditure in the way of salaries will be as great as at present; because a Chief Clerk could not, without the assistance of a Registrar, perform all the duties now discharged by the Master, and the united salaries of the two would, I presume, equal that which the one officer now receives. I may remark, that the Committee of the Legislative Council who originally recommended this change, suggested the necessity for the appointment of a Registrar as well as a Chief Clerk. In view, too, of the financial consideration, it is not unimportant to bear in mind that, if the business of the Court is increased, as it is generally believed will be the case, fees must increase in proportion, and the office will, in all probability, become self-supporting.

The Hon.
R. M. Isaacs,
Esq., M.L.C.
23 July, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

MR. JUSTICE MILFORD.

(CORRESPONDENCE RELATIVE TO HIS LEAVING MORETON BAY.)

Ordered by the Legislative Assembly to be Printed, 24 March, 1858.

THE CHIEF JUSTICE to THE ATTORNEY GENERAL.

*Supreme Court,
20 February, 1858.*

SIR,

It is my duty again to draw the serious attention of the Government to the state of the business in the Supreme Court, more particularly in its Equity Jurisdiction.

In the course of the ensuing week, I propose to address the Colonial Secretary, as First Minister of the Crown, on the same subject, in a view to the permanent appointment of an additional Judge, as recommended by the Committee of the Legislative Council. But my present object is of a more limited character. It is to obtain the assistance of Mr. Justice Milford immediately, as a temporary measure; and I do not hesitate to say, that if that assistance be not afforded, the inevitable result will be a ruinous arrear of Cases, beyond all precedent, in every department of the Court.

I learn from Mr. Milford that there will be nothing for him to do at Brisbane until April. Now in Sydney there is a Term Paper, as you are aware, comprising Common Law Cases alone sufficient to occupy the three Judges, continuously sitting daily, for at least six weeks. Some of the Cases in this List are already two Terms old. In addition, there are the Equity and the Insolvency business. But on this day fortnight one of the Judges proceeds to Maitland; where this is about the heaviest Cause List yet known on the Circuit, five or six of the Cases being *Remanets*. Ere the expiration of the month there will not be a Judge left in town. What is to be done? Are the Maitland Causes to be left untried again, or is this city to remain some days without any Judge?

But, let this question be solved how it may, how is the Insolvency, the Equity, and the Admiralty business—to say nothing of the Chamber business—from this date to the end of March, to be disposed of? For, let it be remembered, every hour devoted to these branches of duty is so much deducted from the time, already too short, which the Common Law arrears have assuredly the strongest right to claim.

I am, &c.,
ALFRED STEPHEN, C.J.

THE HONORABLE
THE ATTORNEY GENERAL.

THE ATTORNEY GENERAL to MR. JUSTICE MILFORD.

*Attorney General's Office,
Sydney, 22 February, 1858.*

SIR,

I have the honor to inform you that the Chief Justice having represented to me the absolute necessity of obtaining at once the assistance of a fourth Judge to enable the Supreme Court to dispose of the large amount of business now before it, as well as the fact that your services will not be needed at Brisbane till next April, I brought the matter before the Governor and Executive Council this morning. I am now authorized to request, and do request accordingly, that you will, (if the state of business at Moreton Bay will permit you,) at once come to Sydney to assist the Judges, and remain so long as your duties as Moreton Bay Judge will allow. Your expenses will, of course, be paid, as on the former occasion.

I have, &c.,

JAMES MARTIN,

Attorney General.

HIS HONOR MR. JUSTICE MILFORD,
Brisbane, Moreton Bay.

1858.

Legislative Assembly.
NEW SOUTH WALES.

WRITS ISSUED FROM SUPREME COURT.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 25 November, 1858.

*RESPECTING Return of Writs, &c., called for by the Legislative Assembly, on motion of
Mr. Murray, 13th July, 1858.*

A letter was addressed from this office on the 19th July last, requesting the Prothonotary to furnish the required Return. The Prothonotary, in reply of the 21st July last, states his inability to furnish the above information, having no data from which such a Return could be compiled by him with any degree of accuracy. On the 2nd of August last a further communication was addressed to the Prothonotary, in reference thereto, reminding him that it would appear from the summons, or that it would be set out in the declaration, either of which, it was considered, would be sufficient data to enable him to prepare the Return. A letter was addressed to the Prothonotary on the 10th instant, again calling attention to the subject, and requesting him to say what was the state of the matter—to which the letter, with enclosure, of the 18th is the Prothonotary's reply.

Will the Attorney General have the goodness to direct what course he considers necessary in respect of this matter.

W. E. PLUNKETT.

19 November, 1858.

I think the Prothonotary's reply, with its enclosure, should be laid on the Table of the Assembly. Perhaps when the reply has been printed the Returns moved for will not be pressed.

ALFRED P. LUTWYCHE.

A. G.

25 November, 1858.

THE PROTHONOTARY to THE SECRETARY TO LAW DEPARTMENT.

Supreme Court Office,

Sydney, 18 November, 1858.

SIR,

In reply to your letter of the 10th instant, No. 58-435, referring to the Return called for by Mr. Murray, and requesting to know the present state of the matter, I have the honor to enclose the Chief Clerk's report upon the subject.

I have, &c.,

S. RAYMOND,

Prothonotary.

W. E. PLUNKETT, Esq.,
Secretary to Law Department.

[Enclosure.]

MEMO.

In reference to the letter of the Secretary to the Crown Law Officers of the 10th instant, relative to a Return of the number of Writs issued from the Supreme Court between the first day of July, 1855, and the 30th day of June, 1858, specifying those that have reference to sums under £30; from that to £100; from that to £200; from that to £500, and upwards,—for the purpose of being laid upon the Table of the Legislative Assembly,—I have to report that, with every wish to comply immediately with the order of the Assembly, it has hitherto been found impracticable to put these Returns in hand, on account of the great press of business in the Supreme Court. I would, however, beg to suggest that the attention of the Attorney General should be called, not only to the great amount of clerical labor which the compilation of these Returns will entail, but also to the fact, that after all the time and labor expended, they will most probably be perfectly useless for the purposes intended, as the *data* in possession of the Court is so meagre that the information furnished must necessarily be most scanty and inaccurate.

Before the passing of the Common Law Procedure Act of 1853 it was compulsory upon parties to state, in their Præcipes of Summons, the amount actually sued for; this was entered in columns in the Process Book, and consequently a classification of the several amounts was easily attainable; but since the passing of that Act it is only necessary to state in the Præcipe whether the sum sued for exceeds, or is less than, £30. Under the present practice the writ itself, when specially endorsed, and the judgment when entered up, certainly sets forth the amount claimed; and the declaration, when filed, also requires an approximate amount, generally much in excess of the actual sum in dispute; but as the majority of cases are settled immediately upon the issue of the writ, the Court has no information as to the cause of action, or the amount involved, and consequently a Return cannot be furnished in the terms proposed by the Assembly.

It follows, also, that in the endeavour to carry out the views of the Assembly as far as the data in the possession of the Court renders practicable, it will be necessary to refer to the papers in every cause instituted in the Supreme Court during the three years from 1855 to 1858, (about 9,000), and where judgment has been signed, or declaration filed, the sum sued for can be ascertained approximately, but not otherwise; and as in fully half the cases neither of these events occur, for all practical purposes, I submit, the Returns will be of no value.

In the event, however, of these Returns being insisted upon, the duty of compiling them must devolve upon Mr. Mackechnie, who has charge of the Process, Judgment Books, &c., and who, from his familiarity with the office records, is the only clerk competent to furnish them with any degree of accuracy; but, in justice to Mr. M., I must observe that his time is so incessantly occupied with his ordinary duties, that he could not be asked to undertake so laborious a work without much and great inconvenience to the working of the department and to the public.

D. B. HUTCHINSON,
Chief Clerk of Supreme Court.

To the Prothonotary.

1858.

Legislative Assembly.
NEW SOUTH WALES.

PRISONERS SENTENCED TO THE ROADS.

(RETURNS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 25 May, 1858.

A COMPARATIVE RETURN of the Number of Persons sentenced to the Roads, from the 1st May, 1850, to the 30th April, 1858; shewing the Number discharged to Freedom, or Tickets-of-Leave, and also shewing the Number out of those who were Re-convicted, or deprived of their indulgence.

DATE.		CONVICTION.			NUMBER DISCHARGED.			Number of those Re-convicted, or deprived of their Tickets of Leave, during the same year in which they were discharged.			REMARKS.
From	To	First Conviction.	Second Conviction.	TOTAL.	Freedom.	Tickets of Leave.	TOTAL.	Re-convicted for Felony.	Tickets-of-Leave cancelled for Minor Offences.	TOTAL.	
1850. 1 May	1851. 30 April	35	96	131	38	48	86	8	24	32	The Imperial Prisoners convicted in the years 1850 to 1858 are not included in this Return.
1851. 1 May	1852. 30 April	52	164	216	21	87	108	11	18	29	
1852. 1 May	1853. 30 April	165	15	180	55	150	205	5	40	45	
1853. 1 May	1854. 30 April	251	28	279	62	140	202	12	33	45	
1854. 1 May	1855. 30 April	171	23	194	128	188	316	5	35	40	
1855. 1 May	1856. 30 April	137	17	154	171	154	325	3	24	27	
1856. 1 May	1857. 30 April	101	12	113	112	169	281	2	22	24	
1857. 1 May	1858. 30 April	91	13	104	85	140	225	6	11	17	

JNO. M'LERIE,
Inspector General of Police.

Convict Department,
Sydney, 18 May, 1858.

1858.

Legislative Assembly.
NEW SOUTH WALES.

SECONDARY PUNISHMENT.

THE PROCEEDINGS,

MINUTES OF EVIDENCE, AND APPENDIX

OF

THE SELECT COMMITTEE

ON

SECONDARY PUNISHMENT

APPOINTED DURING SESSION

1857.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
12 *May*, 1858.

SYDNEY :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1858.

1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 11, THURSDAY, 27 AUGUST, 1857.

2. Secondary Punishment:—Mr. Parker moved, pursuant to *amended* notice,—
(1.) That a Select Committee be appointed to take into consideration, and report upon, the subject of Secondary Punishment.
(2.) That such Committee consist of Mr. Lang, Mr. Cowper, Mr. Faucett, Mr. Forster, Mr. Hargrave, Mr. Hay, Mr. Jones, Mr. George Macleay, and Mr. Martin.
Question—(1.) That a Select Committee be appointed to take into consideration, and report upon, the subject of Secondary Punishment,—put and passed.
Question—(2.) That such Committee consist of Mr. Lang, *Mr. Cowper, Mr. Faucett, Mr. Forster, Mr. Hargrave, Mr. Hay, *Mr. Jones, Mr. George Macleay, and *Mr. Martin,—put and passed.

VOTES No. 29, TUESDAY, 10 NOVEMBER, 1857.

9. Prison Discipline and Secondary Punishment:—Mr. Forster moved, pursuant to notice, That the Correspondence upon Prison Discipline, ordered to be printed on 16th December, 1856, and the Papers relating to Secondary Punishment, ordered to be printed on 11th August, 1857, be referred to the Select Committee on Secondary Punishment now sitting.
Question put and passed.

VOTES No. 32, FRIDAY, 13 NOVEMBER, 1857.

10. Secondary Punishment Committee:—Mr. Forster moved, pursuant to notice, That Mr. Arnold and Mr. Robertson be appointed Members of the Select Committee, now sitting on Secondary Punishment and Prison Discipline, in room of Mr. Martin and Mr. Jones, whose seats in the House became vacant by acceptance of Office.
Question put and passed.

[*Further Proceedings stopped by Prorogation.*]

1858.

VOTES No. 26, WEDNESDAY, 12 MAY, 1858.

7. Secondary Punishment:—Mr. Cowper moved, pursuant to *amended* notice, That the Proceedings of, and the Evidence taken by the Committee on Secondary Punishment, during the last Session, be printed.
Debate ensued.
Question put and passed.
Ordered to be printed.

* Seats declared vacant, 8 September, 1857.
Mr. Cowper restored to Committee, 23rd October, 1857.
Mr. Arnold and Mr. Robertson added to Committee, 13 November, 1857.

1857.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 6 NOVEMBER, 1857.

Members Present:—

Mr. Cowper,	Mr. Lang,
Mr. Forster,	Mr. Hargrave.

Mr. Forster was called to the Chair.

Committee deliberated, as to whether their inquiry should be general or limited in its operation.

Motion made (Mr. Lang) and Question,—“That this inquiry shall in the first place embrace the following points,—

“1st—The existing systems,

“2ndly—The systems of Secondary Punishment now prevailing in England and America,

“3rdly—What improvements it would be desirable to recommend,

“and that J. O'Neill Brennan, Esquire, the Sheriff, be summoned before the Committee, as a Witness, for Thursday next,”—*agreed to.*

After further deliberation;—

Motion made (Mr. Hargrave) and Question,—“That the Chairman be requested to move, ‘That the Correspondence upon Prison Discipline, printed 16 December, 1856, and the Papers relating to Secondary Punishment, printed 11 August, 1857, be referred to this Committee,’”—*agreed to.*

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

THURSDAY, 12 NOVEMBER, 1857.

Members Present:—

William Forster, Esquire, in the Chair.

Mr. Cowper,	Mr. G. Macleay,
	Mr. Hargrave.

By direction of the Chairman (Resolution of the House referring to the Committee on 10th instant), “The Correspondence upon Prison Discipline, ordered to be printed on 16th December, 1856, and the Papers relating to Secondary Punishment, ordered to be printed on 11th August, 1857,” read by the Clerk.

Mr. J. O'Neill Brennan, the Sheriff, examined.

[Adjourned till Thursday next, at Eleven o'clock.]

THURSDAY, 19 NOVEMBER, 1857.

Members Present:—

Mr. Forster,	Mr. Parker.
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A Quorum of the Committee not being present,—

[Adjourned till Wednesday next, at Eleven o'clock.]

WEDNESDAY, 25 NOVEMBER, 1857.

Members Present:—

William Forster, Esquire, in the Chair.

Mr. Parker,	Mr. Hay,
Mr. Hargrave,	Mr. Cowper,
	Mr. Robertson.

By direction of the Chairman, Resolution of the House, dated 13th instant, appointing Mr. Arnold and Mr. Robertson to be Members of the Committee, in the room of Mr. Martin and Mr. Jones, whose Seats in the House became vacant by reason of their acceptance of office, read by the Clerk.

Mr. J. O'Neill Brennan further examined.

[Adjourned till Wednesday next, at Eleven o'clock.]

WEDNESDAY,

WEDNESDAY, 2 DECEMBER, 1857.

Members Present:—

William Forster, Esquire, in the Chair.

Mr. Cowper,
Mr. Hargrave,

Mr. Hay,
Mr. Robertson.

Committee deliberated.

Mr. D. Forbes, Police Magistrate, Sydney, examined, and in the course of his examination, the witness having handed in the undermentioned Plans, &c., bearing upon his Evidence, viz:—

1. Plan shewing view of Auburn Prison N. Y.
2. Plan shewing Quadrangular Court, Auburn Prison.
3. Plan shewing block of Cells, South Wing, erected 1832.
4. Map shewing the Ling-Ling Prison Grounds with elevation of Guard House and Female Convict Prison.
5. Ground Plan of Main Prison, Tier of Cells, and Elevation of Main Prison.
6. Elevation of Tiers of Cells, shewing Steam Pipes for Warming and Fresh Water supply Pipe.

together with a copy of a Bill to alter and amend the Law for the Regulation of Gaols, Prisons, and Houses of Correction in the Colony of New South Wales, and for other purposes relating thereto. (*Vide Appendix A to Evidence given by Mr. D. Forbes, on 2 December, 1857*);—

Committee deliberated, and it was *Resolved*:—

1. That the Clerk be instructed to ascertain, for the information of the Committee, the probable cost of lithographing these Plans.
2. That proofs of the Act *proposed* by Mr. Forbes be struck off and circulated as speedily as possible amongst the Members of the Committee.
3. That the next Meeting of the Committee stand adjourned, till copies of the Act have been thus circulated.

[Adjourned till Thursday, 10th instant, at *Eleven* o'clock.]

THURSDAY, 10 DECEMBER, 1857.

Members Present:—

William Forster, Esquire, in the Chair.

Mr. Hay,

Mr. Hargrave.

Mr. Robertson,

The Chairman laid before the Committee proof copies of the Act proposed by Mr. Forbes, forming Appendix A to his Evidence, and struck off under a Resolution agreed to at their last Meeting, and stated that copies of this Act had also been circulated to the Members of the Committee.

The Chairman then informed the Committee, that Mr. Forbes would be unable to attend before them, as a Witness, on this day.

Whereupon Motion made and *Question*—"That D. Forbes, Esq., be now summoned before the Committee, as a Witness, on Wednesday next"—*agreed to*.

By direction of the Chairman,—Estimate from Messrs. Wigley and Allan, Engravers and Lithographers, obtained by the Clerk under a Resolution agreed to by the Committee at their last Meeting, specifying that "the cost of engraving and lithographing five plates, shewing elevation and ground-plans of prison, &c., and printing 850 copies of each, would be £50"—read by the Clerk.

Committee deliberated.

Motion made (Mr. Hay) and *Question*—"That any definite decision, with reference to the advisability of lithographing these plans, be deferred, until the Committee have had an opportunity of hearing from Mr. Forbes, by whom they were handed in to the Committee, some further evidence respecting their practical utility"—*agreed to*.

[Adjourned till Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 16 DECEMBER, 1857.

Members Present:—

William Forster, Esquire, in the Chair.

Mr. Hay,

Mr. Hargrave.

Mr. D. Forbes, further examined.

Witness withdrew.

Committee deliberated further relative to the expediency of lithographing the five plates, shewing elevation and ground-plans of prison, &c., and printing 850 copies of each.

Motion made and *Question*—"That as the originals of these plans have been placed by Mr. Forbes in the hands of the Committee, so that reference can at any time be made thereto, it is unnecessary to incur the expense of lithographing the same"—*agreed to*.

Committee then proceeded to deliberate on the advisability of forthwith Reporting Progress to the House, and as to the tenor of such Progress Report.

Motion made and *Question*—"That the Chairman be requested to draft a series of Resolutions for the consideration of the Committee, which shall, if agreed to, form the basis of their Progress Report"—*agreed to*.

[Adjourned till Wednesday next, at *Eleven* o'clock.]

(*Further proceedings stopped by Prorogation.*)

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1857.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

SECONDARY PUNISHMENT.

THURSDAY, 12 NOVEMBER, 1857.

Present:—

MR. COWPER,
MR. FORSTER,MR. HARGRAVE,
MR. G. MACLEAY.

WILLIAM FORSTER, ESQUIRE, IN THE CHAIR.

John O'Neill Brennan, Esq., called in and examined:—

1. *By the Chairman*: You are the Sheriff of New South Wales? I am.
2. How long have you held that office? Going on for four years.
3. During that time has your attention been particularly directed to the subjects of prison discipline, and of secondary punishment? Yes.
4. What particular establishments have you had under your charge during that time? Darlinghurst Gaol has been more immediately under my supervision.
5. Have you had under your superintendence other prison establishments? Yes, the prisons of the Colony generally, which I have visited only occasionally.
6. I presume you have made it your business to inspect the mode of discipline prevailing in these other establishments also? I have.
7. What is your opinion as to the present system of prison discipline, as to its efficiency or the necessity for improvement? There is no system of prison discipline in the gaols—nothing that I consider a system of discipline.
8. *By Mr. Macleay*: No fixed and established principle? No complete system.
9. *By the Chairman*: You mean, I suppose, that different systems prevail in different gaols? I mean that there is no system.
10. Then it is your opinion, of course, that improvement is very necessary? Very.
11. Do you make that remark not only with reference to the efficiency of the punishment, but to the greater improvement of the prisoners, in fact to all the objects for which prison discipline is intended? I conceive that prison discipline comprises three ingredients—the punishment of criminals, their reformation, and the prevention of crime.
12. Have you yourself attempted practically to introduce any improvement in the gaol immediately under your supervision, and the other gaols under your superintendence? On a small scale I have attempted, as far as I thought practicable, some improvements, but not as far as I thought desirable.
13. You have attempted some species of improvement? Yes.
14. Were your improvements based on any original system which you yourself had initiated, or were they based upon a system which had been carried into practice in other countries? Upon systems that had been carried into practice in other countries. I would not say "system," for I do not consider that there is any system in any of the gaols in the Colony.
15. Well, we will call them methods. You have derived information regarding methods put in practice in other countries, and have attempted to carry them out on a small scale, and probably

John O'Neill
Brenan, Esq.

12 Nov., 1857.

John O'Neill probably with modifications of your own, such as you thought adapted to the circumstances? I did not attempt any improvement of them.

Brenan, Esq.
12 Nov., 1857.

16. Will you inform the Committee by what mode or system of discipline in other countries you were, to some extent, influenced in the management of the establishment under your charge? The only portion of the system of England or America I have attempted to introduce is that of the employment of prisoners.

17. I ask you what particular system you adopted? That called the Auburn System, in operation in America.

18. You have attempted to introduce the Auburn System into the establishment? Yes.

19. You refer particularly to Darlinghurst Gaol? Yes.

20. Are you aware of the same system, or anything like it, having been carried out in any other establishment? Yes; it has been attempted at Parramatta.

21. I presume that in doing so, you called the attention of the Government to the want of improvement in the gaols, and to your intention of carrying out this system? In the first instance, I had a personal interview with Sir Charles Fitz Roy shortly after I was appointed Sheriff.

22. At what time did you call the attention of the Government to the subject? I was appointed in January, and at the latter end of that month, or in the beginning of February, I had a personal interview with Sir Charles upon the subject. He told me to see what improvement I could make, and to report in writing to the Government afterwards. I proposed a modification of the Auburn System.

23. I presume you had the concurrence of the Government in what you proposed? Yes, the Governor concurred; he gave me his verbal authority to do it.

24. You had some correspondence also, I presume, with the Executive Government? Yes, afterwards. My first correspondence, or rather my report, is dated 27th October, 1854.

25. That was with regard to the operation of the mode you had then, to some extent, put into practice? To some extent I had put it into practice. My reason for alluding to my conversation with His Excellency is this, that Mr. Forbes, the late Visiting Magistrate of Parramatta Gaol, wrote a letter to the Government, and in the margin of that letter was written a minute in Sir Charles Fitz Roy's handwriting,—“Refer this to the Sheriff; I think he has a plan of his own.”

26. That was on the first letter written by Mr. Forbes? Yes. I went to the Colonial Secretary's Office, and requested that it might be printed. I did not write officially, and I was sorry afterwards that I did not. They said it might be done, but I see it has not. I instance that to give my reason for alluding to the conversation. The letter of Mr. Forbes was dated 10th March, 1854.

27. Be kind enough to name to the Committee all the reports written by you, connected with the subject? (*The Witness referred to the papers on the Table, printed by order of the Assembly, 11 August, 1857*) There are in existence some that are not here, relative to improvements in Darlinghurst Gaol, but I do not know why they were not introduced here. They must have been written between March, 1854, and the time the correspondence was moved for.

28. Will you be kind enough to mention them—it must be matter of inquiry why they were not printed? They were not upon the subject of prison discipline, but merely with reference to improvements in a particular establishment. They were, therefore, considered not to come within the wording of the motion.

29. I should imagine, that any improvement in a gaol would be comprised within the general subject of prison discipline? Not exactly; all the reports that contain information upon prison discipline are here.

30. You understand the subjects respecting which the Committee have to inquire are Secondary Punishment, Prison Discipline. If you have suggested any improvements with reference to these matters, or any communications which are not here, will you be kind enough to mention them? The Committee are furnished with my communications.

31. Is the mode you have introduced fully described in the correspondence, or can you now give us briefly, in a form which will be more practical, a summary of the improvements you have introduced, and, in some degree, make us acquainted with the present state of the gaol more particularly under your care? When I took charge of the Darlinghurst Gaol, the prisoners were chiefly occupied in breaking stones for the streets of Sydney. Seeing a number of prisoners thus occupied at work I considered unprofitable both to the country and to the men, I called upon Sir Charles Fitz Roy, and mentioned the subject to him. I stated that the gaol was in a very unfinished state, and that it was quite useless to attempt to carry out a proper system of prison discipline so long as the gaol was left in that unfinished state. I requested that the building should be gone on with, and that the original plan, with certain modifications, should be carried out.

32. By the labor of prisoners? Yes. I stated that the breaking of stones for the Corporation was not, in my opinion, suitable work for the men, so long as the prison was in that unfinished state. Whereupon there were tenders for the supply of stone called for, and the buildings known as the debtors' prison and the Deputy Gaoler's quarters were commenced. That is the first building that was commenced after I became Sheriff. They had previously been employed in building a bath house, but the stone work of that was finished when I became Sheriff.

33. Will you give us a general idea of the state in which you found the gaol, and the improvements you carried out? The great improvement I wished to introduce into the Darlinghurst Gaol, is separate confinement at night, and that cannot be carried out until there is greater accommodation. To enable me to carry that out to some extent, I procured the authority of the Government to alter one of the wings of the establishment that had been partly built; the ground floor cells were erected and covered in; but they were all large cells, capable of containing four or five prisoners. I obtained the permission of Sir William Denison to take down the front wall of this, and to divide the wing into single cells.

34. Then your first great improvement was the separation of prisoners at night? I attempted to separate them, but had not sufficient accommodation.
35. Do you then consider it to be a matter of the first importance to separate prisoners at night? Yes.
36. Do you mean by that, that you would separate every prisoner singly? Yes; every prisoner should sleep by himself in a separate cell.
37. You think that an essential matter? Yes.
38. And, as far as you could, did you attempt to carry that out? Yes; but there are only about twenty-four solitary cells in the wing for the male prisoners; there are thirty cells altogether. All the other cells are twelve feet by eight.
39. To what other important improvement did you direct your attention? To giving the prisoners employment in as many trades as I could.
40. That is, to training the prisoners to different trades? Yes. I principally confined myself to those trades that would be of use in erecting the improvements I intended to carry on in the gaol,—blacksmiths, stone-cutters, carpenters,—these are the three trades I particularly directed my attention to, because these are the trades required in the erection of the gaol.
41. Can you mention any further improvements? I employed the convicts who never did any work before at what could not be considered hard labor, to reimburse the Government for the cost of their keep. The employment I procured for them was principally picking oakum, picking hair, &c., and I obliged each convict to pick a certain number of pounds per day. I could not compel them to do more under the present state of the law than would pay for the expense of feeding them.
42. You have power under the present law to make him work so much as to cover the cost of his maintenance, but no more? Yes; we cannot compel them to do any more.
43. *By Mr. Hargrave:* Not if sentenced to hard labor? Not convicts, because a convict can by law keep himself, and, under the Gaol Act, the Sheriff or Visiting Magistrate can compel a prisoner sentenced to confinement only to work sufficiently to maintain himself, although he cannot employ him at hard labor. Before I became Sheriff convicts were never employed—at least I was told they were not. To induce the hard labor prisoners to work well, I made a rule that any prisoner who cut from forty to forty-five feet of stone per week to be allowed a small portion of tea and sugar as an indulgence. In the same way in the other trades, if the carpenters and blacksmiths did a fair day's work, according to his ability. My reason for obliging the prisoners to cut from forty to forty-five feet of stone per week was to exclude the very short sentenced men—men who were unskilled and could not do it. A prisoner who entered the gaol under a sentence of from one to three months was unable, until he had been two or three months in gaol, to cut the quantity of stone, unless he had been a stone-cutter before; short sentenced men could not, therefore, obtain the indulgence; and it was an inducement to long sentenced prisoners to learn the trade as soon as possible.
44. How would you employ the short sentenced men? In stone cutting.
45. But would give him no indulgence? No; because he could not cut a certain number of feet to meet the expenditure for tea and sugar. I also employed the oakum pickers and tailors at work that was paid for by the public, and what they earned defrayed the expense of tea and sugar for the tradesmen working on the building.
46. *By Mr. Cowper:* Do you give your convicts or prisoners the same proportion of their earnings as they do at Parramatta Gaol? No; I do not give them any allowance whatever—any fixed allowance. I do not give those who are employed at work such as picking oakum and hair and tailoring, any indulgence, because it is not hard work. I do not put hard labor men, unless they are exempt by the doctor, to picking oakum or hair; I employ all the convicts, the invalided, and aged men to that light work; therefore I do not give them any indulgence, I only give the indulgence to men who work at hard labor, and who are regular mechanics, or who have become mechanics by being taught in the gaol.
47. *By the Chairman:* Have you now stated the various improvements you have introduced? Yes.
48. There are a few questions which arise out of what you have said.—In the first place, you seem to be of opinion that a new system of gaol discipline is necessary to be introduced here; for you say there is no system at present? Yes.
49. And no doubt you think that should be made general? Yes; I think there should be one uniform system.
50. Are you of opinion that it should be under one head, or that there should be local establishments not connected with each other—that there should be one Inspector of Prisoners, or Sheriff,—no matter what he might be called,—who should superintend all the prisons? One person should superintend them.
51. In doing so—and you, of course, have considered what the law of the matter is—are you of opinion that an alteration of the law, as it at present exists, will have to be made? Yes; it will be necessary, in order to carry out a proper system of discipline.
52. Do you propose to make all secondary punishments come under one class as it were, and to allow hard labor to be allotted in the gaol according to the system introduced by the Superintendent; do you think it would be a good plan not to have hard labor sentences as distinguished from other sentences, but to sentence all prisoners to secondary punishment, and to have that punishment carried out in gaol according to a general plan—Is that part of the plan you propose? If I understand you rightly you wish to know—
53. Whether the sentence should consist of secondary punishment—that hard labor should not be part of the sentence but part of the gaol discipline? I would have the prisoner sentenced to hard labor; my reason for that is this,—that those who try prisoners are the best and proper judges of what description and degree of punishment they should undergo. If it were otherwise, it would be in the discretion of one individual—an individual who, perhaps,

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perhaps, knows nothing of the crime or character of the prisoner, further than his conduct in gaol—whether he would put one man to very hard and disagreeable work and another to very light work.

54. I see the force of your objection; but have you ever considered it in this light—that it is possible to compensate for the variation in the nature of the hard labor, as regards one prisoner, by the length or the brevity of the sentence. Would it not be possible, under the uniform system to which I alluded, to substitute a certain number of days in the place of hard labor in the sentence? To give a longer or shorter period according to the crime; that would be possible.

55. Would it not conduce to the uniformity of the system if hard labor were left as I suggested, and the sole difference in the heaviness or lightness of the sentence were to consist in the term of years or days instead of in labor? I think it would; but then I think the law should be altered in this respect,—that for particular crimes, misdemeanors, and felonies, persons should be compelled to perform hard labor; otherwise a person sent for a common assault, or the most trivial offence, might be compelled, for the term of his imprisonment, to work as hard as he who commits manslaughter, burglary, arson, or the most serious crime; there would be the same degree of punishment, only the person whose offence was more trivial would suffer for a shorter period.

56. In that case the punishment would not be in the same degree. There would be a uniformity of punishment, but the difference of lightness or heaviness would consist in this, that one man would be sentenced for a longer time and another for a shorter—the punishment would be more or less by altering the term of imprisonment? The degradation would be the same; the only difference would be that the degradation in one case would be for a longer and in another for a shorter period; the degradation for the time being would be the same. A man sent in for the most trifling misdemeanor would have to work with the rest of the prisoners and to wear the prison dress. I will take an extreme case,—I will suppose one of the members of the House sentenced for contempt to be imprisoned for ten days; if that member were sent to gaol I should be compelled, for that term of ten days, to put him to break stones, to perform carpenter's or blacksmith's work, to wear the prison dress, and to cut his hair prison fashion. Now, the degradation would be but for a week or ten days, but would not such a punishment be lowering that gentleman to the state of a felon?

57. In this case you would propose to exempt certain crimes, but you would not object to uniformity of discipline as to other classes of crime? Certainly not.

58. With regard to degradation, do you imply that labor in itself is a degradation? There is in labor as carried out in gaols.

59. Have you ever considered whether the notion that there is degradation in labor is not the result of the present system by which hard labor is sentenced as a punishment—do you think it likely that may be the cause of the notion we all have that labor is a degradation? No, I have not considered it in that light exactly, because I do not consider labor in the abstract a degradation. I labor myself, and I do not consider that by so doing I degrade myself.

60. Then how does it occur to you, or how do you come to the conclusion, that there is degradation in the hard labor,—does not the degradation consist in the breach of the law, in the sentence for misdemeanor, or other crime, and not in the hard labor which is part of the sentence? It is to a certain extent a degradation to be confined in a prison.

61. Or rather the conviction for an offence; the true degradation is being convicted of a breach of the law? Yes. To illustrate my meaning more clearly, I would allude to a case well known, where an altercation took place between two Barristers, in the Supreme Court; both were sent to Darlinghurst for a fortnight's imprisonment. Now these gentlemen, if the law had been as you suggest, would have had their hair cropped, and been compelled to wear a suit of grey cloth, stamped with the broad-arrow on their jackets and trousers; I think in such a case the actual labor in which they would have been employed would have been comparatively nothing to the degradation of being obliged to work with other prisoners, and to wear a certain badge, as every prisoner ought to do in a well-regulated gaol.

62. Do you not think these Barristers, gentlemen educated to administer the law, degraded themselves by their conduct in Court;—do you not think, after all, that the greatest degradation in their case was that they should have broken the law? No.

63. You are a Barrister yourself, are you not? Yes.

64. Do I understand you that it would be difficult to enforce the uniform system at present? No.

65. Then, if I understand you rightly, you assume that a certain number of crimes should be exempt from this uniform system, and that for crimes of a more enormous character you would establish a uniform system? Yes.

66. With regard to the separation of prisoners in gaol—do you approve of solitary confinement as a mode of enforcing the discipline of the gaol? Yes, I think that is the best mode of punishment. I would never inflict corporeal punishment on prisoners, excepting upon boys, and I think it would have a very salutary effect upon some lads.

67. *By Mr. Cooper:* Would you use the cat? No, a birch rod, in the corridor.

68. You would not inflict more as a father than as a public flogger? Just so. I would have no public flogging, because I believe that would destroy the good effect contemplated; a boy would be hardened rather than benefited by such a course.

69. *By the Chairman:* You think the discipline of the gaol could be maintained by means of solitary confinement? Yes; I have found, from experience, that prisoners can be kept in perfect control if the gaoler has the power of confining them for a week or ten days upon bread and water.

70. From your experience would you say there would be any danger, in certain cases, of solitary confinement operating in a permanently injurious form upon the mental condition of a prisoner so as to produce insanity? Certainly, if long continued.

71. Then, in your opinion, solitary confinement should be used with great discretion? With great discretion. I think a month at a time is quite as long as is necessary to carry out any discipline. John O'Neill
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72. Then it would follow, as a matter of course, that in any alteration of the law the power of the Inspector to punish with solitary confinement should be limited to a certain time? Yes, certainly. 12 Nov., 1857.

73. Is it not a necessary result of what you say regarding solitary imprisonment, that any prisoner taken from confinement would look upon labor as an improvement in his circumstances? Yes.

74. I presume you would admit that it would be a desirable result that a prisoner should be induced to look upon labor as an improvement upon his condition in gaol? Yes. The Gaoler has the power, for carrying out the discipline of the gaol, to inflict not what we call solitary but separate confinement; and I find, in nine cases out of ten, after a prisoner has been in separate confinement for a week or ten days, he is most anxious to get out to work.

74. You seldom find an exception? Seldom.

75. Suppose we were to take the extreme cases you took just now, of Members of Parliament, or Barristers, do you not think they would rather work at employment to which they were unaccustomed—supposing they did not look upon the labor as a degradation—rather than be sentenced to solitary confinement? Perhaps so, if worked alone in their cells. When such persons are sentenced to solitary or separate confinement they would be allowed books to read; so that in the case of an educated man, the punishment would not be so severe as in that of an illiterate; the latter would have no occupation for his mind, which would become the prey to remorse, while the former would be amused by reading, or by directing his mind to the contemplation of some favourite scheme or subject.

77. *By Mr. Hargrave*: Do you not consider that an educated man would feel the degradation to have to associate with the class of men to be found within a prison to be a greater punishment than to be kept in solitary confinement? Yes.

78. *By the Chairman*: So that, in fact, there would be a necessary check, resulting from circumstances, in the case of an educated man;—you would not have the power, under the uniform system I propose, to put these men to what they would consider as a degradation, because they would accept the alternative? Yes. As a mode of punishment, if they were refractory, I would have rules and regulations under which the Inspector or Gaoler should act.

79. If I understood you rightly, you said you would adopt solitary imprisonment as the grand mode of enforcing discipline in gaol? Yes, as a punishment.

80. In that case labor would be a privilege rather than otherwise? Yes.

81. In the case of educated people, labor would be no privilege, and would not operate? No.

82. That would be a check then upon the disagreeable results of the system you have spoken of in the case of classes who are considered high in the social scale? Yes.

83. Does your system propose any mode of securing the mental improvement of the prisoners—have you given your attention to that? I have; but I have found it impossible to carry out the improvements I could have desired.

84. You allude to your insufficient accommodation? Yes; I have no paid officers to assist me, and no means to carry out such a system.

85. If you had means, do you think that ought to be made a part of prison discipline? Yes; it is provided for in the proposed buildings. (*The Witness produced a Plan of the Darlinghurst Gaol, shewing the proposed additions.*)

86. *By Mr. Cowper*: How many wings are there? Three have been erected, the fourth is in course of erection, and two more are contemplated.

87. Could one cell be made into two? Yes, it can be done, and that is what I propose.

88. Could you make these alterations and additions with your own prisoners? Yes.

89. What increased accommodation would that provide? With all the buildings proposed, about four hundred male prisoners could be accommodated—that is supposing the female prisoners were removed.

90. *By the Chairman*: You propose a system of classification wherever the accommodation will allow of it? Yes. I do not approve of classification yards, as they are called. I prefer having all the male prisoners worked together during day time; the classification I would have would be separate cells at night. I would have them work at different trades and occupations, as far as practicable, all the men together, under the supervision of tradesmen as overseers, and turnkeys and other men as sentries.

91. That is the extent to which you would carry the classification—you would separate the sexes and work the men together? Yes.

92. *By Mr. Cowper*: Would you not contemplate any classification with reference to the previous history of the prisoners—would you confine a hardened offender with a confine who had only just come within the walls of a prison? No; they would work together but would not be allowed to speak or make a sign to each other. That is the Auburn System.

93. *By the Chairman*: In working prisoners together, conversation ought not to be allowed? No; that would be part of the prison discipline, but it is impossible to carry that out at present.

94. You would carry it out if you could? Yes.

95. In a previous part of your evidence you touched upon an important point, with reference to the payment of prisoners for their work—it is part of the theory of some, that the labor performed by prisoners should be valued, and, in some cases, a portion of its proceeds should be distributed among them; but I think I understood you to say you do not advocate the payment of prisoners in any way, but would merely give them some indulgence in the way of rations? I disapprove of the payment of prisoners in any way.

96. Or of any fund obtained from their labor being considered their property in any way whatever? Yes, I disapprove of that. The only payment, if it may be called a payment, would be this: I would have a fund created, from which a gratuity might be given to a

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prisoner on going out, to prevent his being obliged to go back to his former associates for a night's lodging. I would give him a sum of money—not too much, but sufficient to keep him for a fortnight or three weeks, until he could get honest employment, but no further. I would not allow a prisoner to consider that he was entitled to one penny.

97. *By Mr. Cowper*: You would not allow him to receive £15 or £20 on being discharged? Certainly not.

98. *By the Chairman*: On what system would you distribute this gratuity? It should be given at the discretion of the Superintendent, according to a particular scale or system. I would make a general scale, but would give a discretionary power to the Inspector.

99. Within certain limits? Within certain limits. For instance, there are prisoners going out who would be very glad to get employment a distance away; and if a prisoner conducted himself well in prison, I think it would be duty of the Inspector—at least I should consider it to be my duty if I were Inspector—to try to get him employment, and to write to any person he might know in the country for that purpose, and if he succeeded in obtaining employment it might be necessary, owing to the distance, to give the prisoner more than the regulated scale. In those instances I would give the Inspector a discretionary power of increasing the gratuity. One or two instances have occurred in Darlinghurst Gaol where the Gaoler has obtained employment for men in the country at a great distance, and in those cases the Gaoler had no power to give the men the means of taking them there. Now, although a gentleman in the country might be willing to avail himself of the labor of a prisoner, he would not venture to advance him money; and I would therefore give the Inspector the power of expending a sufficient sum to defray a man's expenses to a distant part of the country, and the further prisoners are sent away from their former associates I think the better.

100. What I want to know is, whether you propose that this gratuity should in any way have reference to the conduct of prisoners while in gaol, or to the amount and quality of work performed? To the conduct of the prisoners, not to the quality or quantity of work, because some of the worst characters have been the best tradesmen.

101. Do you approve of the system of in any way granting prisoners a remission of their sentences as a reward for their conduct in gaol? I consider that a prisoner, when he is sentenced to a certain period of imprisonment, should go into the prison fully impressed with the idea that he would have to spend every day of his imprisonment in gaol.

102. Then, in that case, you do not approve of remission at all? I do not approve of prisoners looking upon it as a right, or expecting it as a right or a necessary consequence of a regulation.

103. Then, if I understand you, you do not approve of it in some way? I approve of a certain portion, and a very small portion, and beyond that there should be no remission.

104. In what mode would you apply this limited remission? It should be consequent upon good conduct and attention to work.

105. Would you place that at the discretion of the Superintendent? To a certain extent I would—on his recommendation to the Executive Government. I would allow no prisoner to be empowered—by work or by good conduct—to reduce his sentence more than one-fourth, and in some cases not so much.

106. *By Mr. Hargrave*: How would you do in the case of a sentence for life? There would be no remission there.

107. You would make the man serve the whole term of life, but not if sentenced for fifteen years? Although sentenced for life, yet it would be in the power of the Governor at any time to pardon him; but I would not allow a prisoner sentenced for fifteen years to expect that he could reduce his sentence to ten years by hard work.

108. *By the Chairman*: What would you propose as regards sentences for life? I disapprove of sentences for life.

109. You think there ought to be no such sentences? As a rule I do.

110. Then, in point of fact, you would propose that all sentences for life should be subject to remission;—in such cases there could be no certainty? Yes; but I would not allow him to suppose that he could reduce the term; it should be by the mercy of the Crown.

111. Are you aware that it is the practice for the Crown at present to remit sentences, upon applications signed by a number of persons acquainted with the prisoner, and in particular by the prosecutor? Yes.

112. Do you approve of that system at all? Not as a rule, but I think in some cases it is very desirable.

113. Do you not think it is placing a prosecutor in a very improper position, to allow him a discretion as to the remission of the sentence of a prisoner? It does not follow that the sentence will be remitted because the prosecutor signs a petition; that is merely an ingredient in the case. It is no doubt in favour of the prisoner, and is likely to have some effect with the Governor, but it does not in any way entitle the prisoner to a remission; it is discretionary with the Governor to grant it or not.

114. Does your system allow of the sale of articles produced in gaol? Not yet. With regard to the sale of goods made in gaol, I would introduce that system after the gaol itself had been completed.

115. Have you considered that question at all with respect to the effect of such sales upon the labor market out of doors—you are aware of the popular feeling against it—do you think the Government would be acting wrongly or rightly in supporting that system? I think people take a wrong view of the subject generally.

116. You think no injustice would be done to the public by that system? No, because it is another mode of relieving their own pockets; it is a sort of reduction of the taxes upon them; for if the establishment pays for itself, the country at large benefits though a few may be injured by it, which is rarely the case where labor is so scarce.

117. With reference to the agitated question as to working prisoners out of gaol, do you approve

approve of what has been proposed—that prisoners under short sentences should be sometimes worked out of gaol? Yes, I have recommended it. John O'Neill
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118. You think it would not be attended with any bad results upon the prisoners themselves? Certainly not; on the contrary, I would make that an indulgence. I would trust none but 12 Nov., 1857.

well-conducted men to be allowed to work outside the walls of the gaol. In the American prisons it is looked upon as an indulgence; there they have gardens attached to the gaols, and the men who behave well are employed there. One of the propositions I wish to make to the Committee is, that to each of the country gaols there should be attached a garden or small farm, in which prisoners should be worked; for instance, those sentenced to a fortnight or three weeks imprisonment. Every man knows how to dig, and the men might thus be trained to work as gardeners or agricultural laborers. I would have them taught to plough, sow, and perform other kinds of farm labour.

119. Have you ever employed, or proposed to employ, prisoners themselves in the capacity of overseers? I do not approve of that.

120. You would always have paid overseers? Yes. At present we are obliged to have prison overseers, because we have not the means of paying tradesmen sufficiently to induce them to act as overseers.

121. *By Mr. Hargrave:* What is a wardsman—is not he an official of some kind? The wardsman is a prisoner who cleans the ward.

124. *By the Chairman:* He is a kind of indoor servant? Yes; there are free wardsmen, who see that the wards are kept clean, and that the prisoner wardsmen do their duty.

123. This system of yours is capable of application to women as well as to men, under a modified form? Yes.

124. I imagine that your arrangements at present have not allowed you to apply it to women? No, only so far as work is concerned; we employ them all whenever we can.

125. With regard to the cost—I understood from some of your remarks, that you intended to say that a very large sum of money might be saved to the Colony annually by carrying out this system, when it reaches anything like perfection? I have here a Return of the work performed in Darlinghurst Gaol, shewing that within about £2,000 it has paid its own expenses. The estimate for 1857 was £8,387 11s. 3d., and the work performed, £6,113 11s. 11d. (*The witness handed in the same. Vide Appendix A.*)

126. *By Mr. Hargrave:* Who fixes the value of this Government work? They are not fixed officially, but the Under-Gaoler asked Mr. Sbarkey, who is in the Colonial Architect's Office, what was a fair charge to make for each article, and for the work performed by the men.

127. The officers of the gaol value their own work? Yes, under the Colonial Architect. I believe the valuation is fair, and that the Government would not get the work performed by free labour for at least one-third more than the value set upon it.

128. *By the Chairman:* How do you value the work of the carpenters? At about seven shillings a day.

129. Stone masons? We value them at from £2 10s. to £3 a week, and that is under the ordinary rate; I believe masons are now getting 15s. a day.

130. What have you valued the work of the tailors at? That is paid for according to the articles made for shopkeepers in Sydney.

131. How do you value labor of the lowest class, oakum picking for instance? That is paid for at so much a pound, and picking hair at so much a pound. The confine costs the Establishment or Government so much a day; but I make him pick a sufficient number of pounds to cover that.

132. Then do you conceive if a system of the sort you propose were carried out throughout the gaols of the Colony, it could be made self-supporting to the full extent? Not to the full extent in the country.

133. You do not then, of course, go the length of saying that an income could be derived from it? Certainly not in this Colony; it cannot do that until the population is four or six times as great as at present. The population of the Country Districts is too scattered to permit a gaol to be self-supporting.

134. I understood you to say that the system could be made virtually self-supporting by valuing the work done upon the gaols? Until all the gaols are built the men might be so employed, and by the time they are, and I think they cannot be under ten or twelve years, working for the public may be made to pay. Until population is much increased in the Country Districts it would be impossible to find labor for the prisoners by taking in work from the public.

135. In ten or twelve years you think it will be possible? Yes; but it will take that time to erect gaols to carry out the proper system. I think, however, that in the mean time there ought to be a large space of ground attached to each of the country gaols where the prisoners should be employed as agricultural farm laborers.

136. You, in fact, recommend that there should be enclosed spaces attached to the country gaols? Yes, where the men might grow their own corn and vegetables—you must give prisoners vegetables or you endanger their health. There might be gardens or farms of from fifteen to twenty acres attached to the gaols, and in these the prisoners might be employed. I would enclose them with a seven feet paling, and prisoners sentenced for three months—and who perhaps might have spent half the time of their sentence on the road—might be employed in working; while so occupied they would be learning the business of agricultural laborers—to dig, to plough, and to sow—and be prepared to take such an engagements on leaving the gaol.

137. *By Mr. Hargrave:* Would there not be danger of the men absconding? Not in the least; a man who had been sentenced to three months labor, and who had only two or three weeks, or a month of his term unexpired, would not run the risk of two or three years hard labor by attempting to escape—he would not “chance it,” as it is termed. Besides, the employment would not be so very disagreeable, and he would probably be employed in the

same

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same way if at liberty. But, I beg to be understood that I would limit that employment of course to short-sentenced men. I would not employ a ten or fifteen years man in that way. I would send all the long-sentenced men to Sydney, Parramatta, Goulburn, Berrima, or some other of the principal gaols, where the men could be well looked after and severely punished; but the majority, I should say, seven-tenths of the prisoners brought before the District Courts would be short-sentenced men.

138. *By the Chairman:* With regard to the discipline of the gaol, what mode do you propose of enforcing this uniformity of system, and keeping the prisoners to garden work? It would be necessary to have a code of regulations.

139. Would it be necessary to alter the law for that purpose? No; I would leave that to the Executive Government, because circumstances might prevent the possibility of carrying them out.

140. Is the law at present sufficient to enforce discipline? Yes. One of the alterations that would be required, would be as to working the men outside the prison, but as to the details of the prison discipline, I think that should be left entirely to the Executive.

141. Is there a certain standard of work enforced in the gaol, or how is the work of the prisoner regulated? There is no scale.

142. In what way does the actual work of the prisoner affect either his treatment in gaol or the indulgences he receives? There is a scale for indulgences; the prisoner cannot, unless he does a fair day's work, at work that cannot be measured, get indulgences; and if it is seen that he "slums" his work, or idles, then the overseer brings him before the Gaoler.

143. He has a sort of summary jurisdiction? Yes; the prisoner is locked up, or placed in solitary confinement.

144. Is there any summary jurisdiction exercised by the Visiting Magistrate? Yes. I think there ought to be an alteration in that respect; I think the Gaoler should have the power of punishing.

145. In that case would you make him a Magistrate? I would not make him a Magistrate, but I would give him the power of putting a prisoner in the solitary cells, and keeping him on bread and water for a limited period.

146. That would involve some alteration in the law? Yes. The Matron has now the power to confine a female for three days upon bread and water, but the Gaoler has no power at all, nor has the Sheriff. These officers have power only to confine prisoners in separate confinement. If a prisoner assaulted an officer in my presence I could not sentence him to solitary confinement, I could only order him to be confined in a separate cell.

147. Mr. Cowper has suggested a question as to religious instruction, but I imagine that is included in the means of moral improvement which you would make part of your system? The Protestant and Roman Catholic clergymen come twice a week.

148. Are they the only clergymen who attend? They all call themselves either Protestant or Roman Catholic; we may have one or two Jews.

149. Is there not an Inspector, or Visiting Justice, who attends the gaol regularly? Yes, there is a Visiting Justice to each of the country gaols; Darlinghurst Gaol is under my superintendence.

150. Is there no Visiting Justice to that gaol? There is, to carry out the punishment sections of the Act.

151. Then he does not regularly visit Darlinghurst Gaol? No, merely for the purpose of trying the prisoners.

152. Is there any provision for hearing the complaints of the prisoners against those who are placed over them? Yes; whenever I go to the gaol I walk through it, and if any prisoner wishes to speak to me, to ask for an indulgence, or to complain, he has an opportunity of doing so.

153. Is there an equal accessibility on the part of Visiting Justices in other gaols? Yes, quite so.

154. You have no reason to believe that prisoners would have just grounds of complaint without remedy? I do not think there is a single instance in the Colony that the prisoners have reason to complain of the harshness of the officers, or the want of means of having that harshness redressed, if it exists. The Visiting Magistrates in the country are very attentive, and go to gaol once a week, sometimes oftener, and the prisoners have the opportunity of communicating any complaint they may have to make. When I visit the gaol, I ask if there are any prisoners in confinement; if there are, I go to the cell and have it opened. I ask, before the officer and the prisoner, "What is this man confined for?" The statement is then made by the officer, and the prisoner has an opportunity of denying the truth of it.

155. Do you visit other gaols occasionally—Parramatta and Cockatoo? Not Cockatoo; I have no authority over Cockatoo.

APPENDIX A.

John O'Neill
Brenan, Esq.

RETURN of Work performed in H. M. Gaol at Darlinghurst, from the 11th October, 1856, to the 10th October, 1857.

12 Nov., 1857.

Week ending the	Government Work. NOT PAID.	Contractors' Work. PAID.
11th October, 1856	140 11 0	9 1 9
" 18th "	138 1 9	8 15 11
" 25th "	130 0 0	6 9 9
" 2nd November, 1856	132 14 3	7 7 6
" 8th "	112 3 9	6 12 9
" 15th "	124 12 4	9 19 3
" 22nd "	124 0 4	9 6 7
" 29th "	139 2 6	10 6 9
" 6th December, 1856	119 12 11	10 8 9
" 13th "	132 7 10	13 11 3
" 20th "	115 4 2	12 3 9
" 27th "	116 9 9	7 12 6
" 3rd January, 1857	47 19 4	6 3 0
" 10th "	85 18 10	11 11 9
" 17th "	129 3 5	11 12 4
" 24th "	104 12 3	10 10 6
" 31st "	117 16 4	7 13 9
" 7th February, 1857	121 3 5	9 1 9
" 14th "	116 7 8	10 2 11
" 21st "	96 12 4	13 10 6
" 28th "	126 18 10	11 11 9
" 7th March, 1857 ..	123 6 0	11 3 11
" 14th "	71 11 5	4 18 5
" 21st "	107 3 6	10 4 9
" 28th "	113 10 0	7 12 2
" 4th April, 1857 ..	49 1 5	4 3 0
" 11th "	67 15 3	2 9 2
" 18th "	88 15 0	3 2 0
" 25th "	83 18 11	7 5 0
" 2nd May, 1857 ..	106 6 0	8 5 6
" 9th "	106 18 4	6 18 8
" 16th "	96 15 1	3 3 0
" 23rd "	94 11 3	2 15 6
" 30th "	82 17 11	4 11 0
" 6th June, 1857 ..	106 4 0	11 10 6
" 13th "	143 8 11	5 0 6
" 20th "	89 10 9	4 3 9
" 27th "	112 14 7	4 14 9
" 4th July, 1857 ..	125 14 1	3 2 10
" 11th "	126 19 8	2 13 0
" 18th "	106 2 5	13 14 5
" 25th "	104 11 2	3 9 8
" 1st August, 1857 ..	85 17 10	2 10 0
" 8th "	103 7 5	2 8 0
" 15th "	104 11 2	3 13 3
" 22nd "	70 2 6	7 9 6
" 29th "	127 9 10	11 16 8
" 5th September, 1857 ..	116 5 4	7 0 9
" 12th "	115 5 4	15 12 0
" 19th "	104 14 2	6 2 9
" 26th "	113 14 11	5 3 0
" 3rd October, 1857 ..	121 2 2	6 11 1
" 10th "	93 8 4	7 1 0
	£ 5,709 7 8	404 4 3
	404 4 3	
TOTAL	£ 6,113 11 11	

53 wet days.

H. M. Gaol, Darlinghurst,
10 October, 1857.

3 holidays { Christmas Day,
Queen's Birth Day.
Good Friday.

WEDNESDAY, 25 NOVEMBER, 1857.

Present:—

Mr. COWPER, | Mr. HAY,
Mr. HARGRAVE, | Mr. PARKER,
Mr. ROBERTSON.

J. ROBERTSON, ESQUIRE, IN THE CHAIR.

John O'Neill Brenan, Esq., again called in and further examined:—

1. *By the Chairman:* I think I was proceeding to ask you, when you were last before the Committee, whether you could give us any idea of the results of the system which you had partially carried into effect by any individual instances that have come under your knowledge? I cannot give any instance favorable, but I can give an instance on the other side.

2. We do not, I fancy, wish to hear any partial statements, but shall be glad to receive any information from you? There was a lad sentenced some four or five years ago for highway robbery.

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- John O'Neill robbery. Judge Dickinson sentenced him to five years on the roads, and three years in gaol.
 Brennan, Esq. Being a very young lad, I requested the Judge to reverse the sentence, that is to say, to give
 25 Nov., 1857. him three years in the gaol, and then, according to his conduct, to have him removed to
 Cockatoo Island, or not, as it might be desirable, for the remainder of the term. The Judge
 complied with my request. The lad served his three years in gaol, and during that time
 conducted himself so well that I spoke to the Judge upon the matter; he petitioned the
 Government, and the sentence was remitted, and I am sorry to say that that young gentle-
 man has been taken up again for stealing a horse from Mr. Cordeaux's stable, near Berrima.
 I do not know of any instance where a prisoner that is a confirmed thief has been reformed.
3. Over what length of time has your experience of the system which you have partially put
 into operation extended? Only a few years, and it is hardly fair to judge of the system;
 for, in fact, there is no reformatory system, nor can there be, with the present means at my
 command, by these results.
 4. You have not been able to put into practice any reformatory system—that is part of your
 intended system you have not been able to carry out for want of accommodation? Yes;
 there can be no reformation where four or five prisoners are locked up together from six
 o'clock in the evening until six the following morning.
 5. I think I understood you to say, that the instance you gave you should not consider ought
 to be taken as bearing much upon the question? No. The lad to whom I have referred
 was a sailor boy, and I believe had been led to the commission of the offence for which he
 was convicted by an old man. He had been guilty of a most daring highway robbery; in
 fact, single-handed almost, he had stopped and robbed the mail upon which there were
 twelve men. He was then a lad of about fifteen years of age. While he was in Darling-
 hurst he conducted himself exceedingly well, and learned a trade. When he left Darling-
 hurst he was an excellent carpenter.
 6. Have you turned your attention to the Minute of His Excellency, published some time
 ago? Yes.
 7. What is your opinion as to the estimated cost laid down in that Minute, £69,000; do
 you think such an outlay will be at all necessary? No.
 8. What sum of money do you think would be required as an outlay, including everything?
 I could not venture to say.
 9. Suppose a plan of this kind were to be put in operation, have you no idea what sum of
 money, in round numbers, would be absolutely necessary to begin operations with—say for
 the first year? I can give some idea, from my experience of one gaol—I allude to Darling-
 hurst. £2,500 is annually put down in the Estimates to procure materials upon which to
 employ our hard labor. With twice that sum we have been able to put up one wing, or
 nearly so. I would not pretend to be accurate in what I now state.
 10. Will you be kind enough to explain more fully the system you suggested at your last
 examination, of attaching agricultural establishments to country prisons? I had at that
 time in my mind the establishment of District Courts, and the question what could be done
 with prisoners sentenced by those Courts. My attention was also drawn to it by the
 circumstance that at present prisoners sentenced by a Bench of Magistrates in the interior,
 say at Armidale or Tamworth, to three months hard labor, are sent thence to Maitland, and
 spend half their time in the lock-up, and on the road. Now I propose to have attached to
 each Court where the District Court Judge presides a stockade; and wherever the locality
 was likely to become populous and important, I would employ the prisoners first upon
 agricultural labor, and I would then, if either stone or brick could be had in the neighbour-
 hood, employ them in building a portion of a prison, upon such a plan as could be extended
 by degrees. The great difficulty in carrying out the latter suggestion would be, that it would
 require long sentenced men, as short sentenced men, or the majority of them, are generally
 unskilled as mechanics, and therefore could not put up the building properly. To employ
 the short sentenced men I would have a farm, or garden, attached to each prison. Every
 man can dig, and if men were sent in for a fortnight or month only, they could be put to
 dig; if for a longer period, they could be taught to plough, sow, or the art of gardening.
 11. *By Mr. Parker:* How would you propose to guard these prisoners? By turnkeys,
 armed, sworn in as constables. I would not detain any prisoners at these places whose
 sentence exceeded nine or twelve months. Prisoners of that class will not try to escape when
 they know that if they are recaptured they will be sent to two or three years hard labor on
 the roads.
 12. Still a considerable staff would be required to guard and instruct these prisoners, because
 the gaol or stockade could not be neglected? Not a considerable staff, as the men would not
 be in the gaol during the day.
 13. I thought I understood you to say that you contemplated turning the labor of these
 men to account on the roads? Yes.
 14. Under what surveillance? On the roads there should be a guard, of course. But all
 could not be put on the roads—for instance, those at Armidale or Tamworth I would not put
 on the roads, but on the Bathurst and Goulburn I would employ prisoners. Besides, I think
 it would be found that the prisoners in the former districts would be very few, and that they
 could be much better employed on a garden or small farm, to grow vegetables and corn for
 their own consumption, as the cost of these would be a very considerable item on the
 estimates, I imagine.
 15. The experience of the old system of prisoner stockades proved quite conclusively that it
 was not a good system unless you could spread them evenly over the country; because, near
 a stockade there would be an excellent piece of road, while at some distance the road would
 be very bad. Now, to carry out your system, there must be branch stockades, and thereby
 the expense of management would be very greatly increased? Perhaps it would be; but I
 think that prisoners sentenced to from one to three years would be more suitable to put on
 the roads, and those to a longer period should be sent to gaol.

16. *By Mr. Cowper*: Have you at all estimated in your own mind the probable cost of each of these prisons to be attached to places where District Courts are to be held—what class of building do you propose? Slab stockades at first. John O'Neill
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17. You do not contemplate any great expense? No; because short sentenced prisoners would not require the same strict surveillance as long sentenced prisoners. 25 Nov., 1857.
18. You could not have any separation under that system? Yes, you might, I think.
19. *By Mr. Hargrave*: In a place made of slabs? Yes.
20. They would talk together through slabs? I believe the building could be so arranged that the prisoners could not speak together.
21. *By the Chairman*: Have you estimated the expense of an establishment of that kind, apart from anything else? About £1,500 a year for each gaol.
22. That would be the first year's outlay? Yes, that would be the annual expense.
23. Do you intend that to be taken as the gross outlay, or as exclusive of any proceeds taken from the labor of the prisoners? No, exclusive of that. It would be more expensive the first year, as it would be necessary to purchase the rations, which would be afterwards produced by the labor of the prisoners.
24. Have you come to the conclusion that this sort of establishment could carry on agricultural operations so as to provide provisions more cheaply than they could be purchased for and sent up the country? I think so.
25. I think I understood you to say that at present the gaol accommodations are so inadequate that some kind of addition ought to be made both to the gaols at Woolloomooloo and at Parramatta? Yes; in every part of the country.
26. That is inevitable? Yes.
27. Consequently some outlay is inevitable, making allowance for the progressive increase of the population? Yes; I do not think the gaols can be put in good order without a great outlay.
28. Without any change of system, some outlay would be necessary to provide additional accommodation? Yes; I think it would take at least £20,000.
29. *By Mr. Cowper*: In fact all our gaols are yet unfinished? Yes; and not suitable to carry out a proper system.
30. *By the Chairman*: Do you find difficulty in preventing the escape of prisoners? Not the least; I think a great deal of unnecessary expense has been gone to in trying to make the gaols so very, very secure.
31. Are you acquainted with the details of the system at Cockatoo, or the nature of accommodation there? Yes, I am.
32. Are you of opinion that it will be necessary to do away altogether with that establishment, or to continue it? I think a portion of the prisoners might be advantageously retained upon the island, but not the whole. I think all long sentenced prisoners should be removed. But those whose period has nearly expired I think might be very advantageously retained on the island, because they would not have the same inducement to escape.
33. Would not the facilities for escape be rather increased by bringing the establishment to the main-land—is it not easier to guard and confine prisoners on a place like that, an island, than on the main-land? It would no doubt, but if there were a great number of prisoners there, while being used by the public or Government as a dockyard, it would be very expensive to guard them; and, I apprehend, you could not carry out any improved system of management there.
34. If I understood you rightly, you would retain on the island men who had nearly served their time; but would it not be well to keep the worst men there—would they not be more easily guarded there than in any other place? No.
35. Would they be more easily guarded on the main-land than on a place like that? They would be more easily guarded in a gaol.
36. Are the gaols of the country in such a state as to be capable of receiving all the prisoners from Cockatoo? No.
37. In case of removing these men, what do you propose to do with them—into what gaols are they to be received? I would send them to Darlinghurst, Parramatta, and Berrima; retaining a portion on the island.
38. Do you think it possible in these places to confine all the men who are under sentence at Cockatoo? With the establishment at Berrima, I think it could be done.
39. You recommend, then, nothing but their distribution, and the retention of the better class on the island? As a dernier resort I would prefer that they should all be removed, but as that cannot be done, I suggest this middle course. From the nature of the works which will be carried on upon the island, there must be intercourse between sailors at work in repairing the ships in dock and the prisoners.
40. Then it is the circumstance of the dock being there that renders it, in your opinion, an unfit place for prisoners? Yes. If it could be kept as a place of confinement solely; if, as at present, strangers were not allowed to approach the island, of course no better place for prisoners could be found.
41. Are there any other islands in the harbour that could be made available for the purpose? No; I do not know of any other.
42. *By Mr. Parker*: Do you think it consistent, under any circumstances, to use Cockatoo Island as place of confinement for prisoners after the docks are thrown open? No.
43. I understood you that you would retain short sentenced men there? That was on the public works. As you would use prison labor upon roads and in the streets of country towns, I do not conceive that it would be more objectionable to use them in completing the establishment as a naval dépôt. There is work upon the island for the next five, six, or ten years, for a hundred men, before the establishment can be complete as a dry dock and place for shipping. There are numbers of prisoners worked at the docks in England.
44. Do you think it desirable to have a hulk there? Yes. I do not approve of hulks, generally

John O'Neill generally, but I think it would be the best way of keeping the prisoners separate when the
Brenan, Esq. dock was opened.

25 Nov., 1857. 45. And if you had accommodation elsewhere you would prefer removing the prisoners altogether? Yes.

46. *By the Chairman*: I would ask, in a general way, what is your opinion of the system of discipline pursued at Cockatoo Island; have you any reason to suppose, from what you have seen when you have visited the island that the system required any great improvement? Yes.

47. Do you think the defects of the system were owing to want of accommodation, or anything that might have been remedied by personal superintendence? I think principally to want of accommodation.

48. Is a very large discretion allowed to the Superintendent there as to the treatment of prisoners? No, I think not more so than is necessary. When I say I disapprove of the system there, I mean that I disapprove of their sleeping-places; I disapprove of their being shut up and allowed to talk together; of their being allowed to play at ball and marbles—of their smoking—and of their singing, as I have heard they do at times.

49. You consider that the discipline is not sufficiently strict? I do, in that way. The prisoners, as I was informed when I was there, are shut up after six o'clock in the sleeping-wards; these sleeping wards are something like the 'tween decks of a ship, with berths on each side. There are three tiers of berths, and the men are all turned into them after a certain hour. Until a certain hour they are allowed to read or talk.

50. Have they a light? I think there are two lamps in the centre, which light all the cells.

51. Can the prisoners communicate with each other? Yes.

52. Can they pass in and out from one berth to another? No; they are divided. They are not allowed to talk after a certain hour, but I apprehend they can talk, in spite of any watchman, in a whisper.

53. *By Mr. Parker*: Is there a close partition between each berth? No; a partition formed of battens.

54. *By the Chairman*: You disapprove of that plan? Yes.

55. You say that the prisoners are allowed to amuse themselves too much; that there is not sufficient regularity of discipline? Yes.

56. With whom does it rest—the granting of the indulgence—with the Superintendent? I do not know, but when I was there I saw them play at ball and marbles. Now, that I entirely disapprove of.

57. Is there any kind of hard labor imposed upon the prisoners besides that to which they are sentenced—are they put to labor in the same way that you have stated confines in Darlinghurst and Parramatta Gaols are? They are worked upon a sort of task-work system, and they are allowed so much time and so much money for a certain amount of work. In that way they shorten their sentences.

58. There is, then, a kind of systematic remission of sentence? Yes; they are entitled to so much time, and so much pay, for their labor.

59. This differs from the system in other gaols? Yes.

60. Do you approve, or disapprove, of this system? I disapprove of it.

61. If I understand you rightly, you disapprove of it on account of its effect on the sentences of the men? Yes; it gives them, as they term it, a right to remission.

62. Have you any idea whether this system of remission of sentence, as pursued there, has had any perceptible effect upon the commission of crime or the subsequent behaviour of prisoners? I do not think it has had any beneficial effect upon the prisoners at all.

63. Can you state to the Committee under whose authority this particular system of remission of sentence is allowed? It is a regulation drawn up by a Board.

64. Do you possess any authority when you go there? No.

65. In what capacity do you visit the island? I visited it when I was a member of a Board consisting of Captain McLean, Mr. Forbes, and myself, appointed to inquire into the system in operation there.

66. Was it not at all in the power of the Superintendent to have altered any of these particulars which you considered to be wrong? I do not know that he had any authority; I think not.

67. Was it not within the power of the Superintendent to have altered the discipline and mode of confinement at night? No. It was under the sanction of the Government, I believe.

68. Was it left to his discretion to make these alterations? That I do not know. The prisoners are allowed tobacco by Government.

69. You disapprove of their being allowed to smoke? I do.

70. You would not allow tobacco? No.

71. You do not at Parramatta or Woolloomoolloo? No.

72. Then this Cockatoo Island system is altogether another system from yours? Quite a different system.

73. Can you mention to the Committee any other irregularities that you have not specified? I do not state these as irregularities, because I am not aware whether the Superintendent had any authority to prevent them. Of course they must have been permitted to smoke, because they were allowed to purchase tobacco with the money they earned under the task system, and that being allowed, I presume the other indulgences were also sanctioned by authority; but I disapprove of them.

74. Is Cockatoo Island open to the visits of clergymen and religious instructors at all hours? Yes, at convenient hours. There are particular days on which they visit, instruct, and preach to the prisoners.

75. You are not aware of their having been prevented at any time? I am not. I am aware, of my own knowledge, that at Darlinghurst some person was prevented seeing the prisoners.

prisoners. This person sent a pamphlet containing some very extraordinary religious notions, and he wished to see the prisoners, and to instruct them in this religion. The Gaoler inquired if there were any prisoners of that particular religion, and on finding there were not, he was refused admittance. It would not do to allow any person having peculiar ideas upon religion to preach to a parcel of prisoners, if there were none of them belonging to that particular sect.

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76. If a prisoner wished to see a clergyman of a particular sect, you would not deny his request, but you would not allow a clergyman to enter the prison for the purpose of proselytising? No, nor for the purpose of seeking out members of their particular flock: Whenever a stranger asks to see the gaol, he is allowed to do so, but is not permitted to communicate with the prisoners. If he wishes to see the prisoners as a religious instructor, the question is asked by the Gaoler, are there any prisoners of that particular persuasion within the gaol; and if the reply be in the negative, he is not allowed to speak to any prisoner; if in the affirmative, he is allowed to see those who avow their belief in his principles.

77. Suppose a reverend gentleman should say merely that he was a Christian—and there are some, as I understand, who call themselves by that name alone—would you say that any Christian was admissible to see them? No. I should at once ask the prisoners whether there were any of that particular sect.

78. *By Mr. Hay:* Practically you have not felt any difficulty with regard to this point? None whatever. Clergymen of different persuasions attend the gaol.

79. *By Mr. Cowper:* How frequently do the clergymen visit the gaol? There is one Protestant and one Roman Catholic clergyman; they each visit the gaol twice a week.

80. Do no other clergymen visit the gaol? Yes, some of the Presbyterian and Wesleyan clergyman, but they are not paid by the Government.

81. If they ask they are admitted? Yes.

82. *By Mr. Hay:* In fact, they do visit? Yes; the Revd. Mr. Stewart visits occasionally.

83. *By Mr. Cowper:* Do they confine their labors among the prisoners to Sunday? They attend one week day each and both on Sundays, at different hours.

84. Do they confine their ministrations to the people when congregated together, or do they visit them individually, and enter into conversation with them? They enter into conversation, say prayers, and preach a sermon.

85. That is in their public ministrations, but what private intercourse have they with the prisoners, do they go among them, and take any pains to make themselves acquainted with their moral condition? Indeed they do; they go among the prisoners, and talk to them. They are allowed a certain time on the week days from labor, during the labor hours, to attend the clergyman, who talks to them, and gives advice to those who are anxious to receive it.

86. The clergyman of each persuasion visits one day in the week? Yes.

87. Are you aware how long the clergyman remains in the gaol? About an hour, or an hour and a half.

88. Beyond that the people have no regular visits from Ministers of Religion? No. Whenever I find prisoners are desirous for instruction or advice, they come on other days, but these are the days on which prisoners professing to be of either of these persuasions are compelled to attend Divine service.

89. Are there any particular hours when ministers can get access to them? They can do so at any hour when there is a particular object in view.

90. Have you any school? No.

91. Not even for the adults? No. A school in gaol is very much required. To encourage the men to avail themselves of the little instruction I could give them there, I had them all brought up and arranged in the yard, and told them that any man who could not read or write, or who was desirous of doing so, could knock off work an hour earlier two or three times a week to attend the instruction of some prisoner who was able to instruct them to read and write. Very few availed themselves of that privilege. I could not give them instruction generally, because I had no means of paying a master, and if there were a number to be taught, a properly qualified master would be needed.

92. Do you think there are a sufficient number of prisoners who would be benefited by the appointment of a schoolmaster to make it worth while for the Government to appoint one? I think so.

93. Have you ever suggested the appointment to the Government? No.

94. Instead of taking the men off their work in the day time, do you not think it would be better that the men should be locked up in their cells an hour later in order that they might receive evening instruction? Yes; they might have it in the corridor.

95. Is the proportion of convicts who are unable to read great or small? There is a record kept from which it would be seen. When a prisoner comes into gaol he is asked whether he can read or write, and what is his religion, and his answers are put on record. The majority, I think, can read, but there are great numbers who cannot write.

96. And a great number, I suppose, read badly? A great number read badly. I should certainly propose the appointment of a schoolmaster, and the reason I have not done so before has been the long-pending or proposed inquiry upon prison discipline. As I knew the plan proposed a separate apartment for a school-room, I did not think the Government would carry out the recommendation until the whole matter were inquired into. I suggested one or two things, and received an answer to the effect that I had better wait until the whole subject could be brought before the Legislature.

97. Is there any person employed upon the establishment who could devote an hour or two in the evening to the instruction of prisoners without the appointment of an officer specially? Yes; I think there is a man to whom I could give that duty—Callaghan, one of the turnkeys—he is rather an elderly man, and of a scientific turn of mind. He was overseer at Norfolk Island, and it was he who put up the dial in the Gardens, the pedestal of which was cut in

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Darlinghurst Gaol by a Chinaman, who learned the trade there. The stone vases at Government House were also cut by this Chinaman.

98. If Government were to appropriate Berrima Gaol, do you not think it would be too far out of town for female prisoners? I would have it for a male prison only.

99. What class of prisoners would you send there; would you select from all the gaols in the Colony, or would you merely stop prisoners coming down from the southward? I would bring them no nearer Sydney than that, and I would employ them in enlarging the gaol. It is the nucleus of a very fine gaol. There are eighteen small cells, and twenty-four large ones. They are only one story high. The walls are good, but the roof is bad. The walls are quite substantial enough to bear another story.

100. You do not propose to make any more wings? No; but I would have another story.

101. Enlarged in that way, what amount of accommodation would it give? If the large cells were divided into two each, and another story with similar accommodation were built, you could accommodate 132. Now there is ample room for work-shops, and the men could be employed in breaking stone to be carted out upon the road. There is an abundance of splendid metal all about Berrima, and there is a quarry, I believe, where the men could be employed in quarrying for building, and the prisoners inside the gaol could be employed in preparing it. There should be a limited number sent at first, who should unroof one wing and build another story; when that was finished a further number should be sent, until the whole building was completed.

102. *By Mr. Hay*: In the first instance the number would be limited to the accommodation afforded by the two wings? Yes. If it were thought desirable other wings could be put for the confinement of prisoners worked upon the road. I think they could be advantageously worked two miles on either side. I would also suggest that Courts should be held at Berrima at which the District Court Judge should preside. I think the town would be much improved by such an establishment, as there is a very fine agricultural country around, and if stone cutting and carpenter's work were performed by the people in the gaol, it would advance the town very much.

103. If people wanted to build? Yes; the great difficulty in the way of people locating themselves in such places is the enormous expense of building.

104. *By the Chairman*: In the plans you have been proposing, have you taken into consideration any mode of dealing with juvenile offenders,—either by separating them from other prisoners, or by any other means? They should be separated.

105. Have you proposed any mode of applying a reformatory system to them? No, I have not proposed any system.

106. Is there any existing system which provides for their separation and instruction? They are always separated.

107. Can you give any idea of the average number of young people below the age of fifteen or sixteen, committed to gaol during the year? We have very few; there is not one in gaol at present.

108. *By Mr. Couper*: Juvenile delinquency does not then appear to be so very great? No; they are not sent to gaol; they are sent either to the Benevolent Asylum or to the Destitute Children's Asylum.

109. *By the Chairman*: Then cases do occur? Yes. The Magistrates try to dispose of juvenile offenders by apprenticing them, or by some other mode; I refer to cases of vagrancy.

110. *By Mr. Hay*: In cases of conviction what do they do? I think their delinquencies are very much overlooked, from the fact of having no place to send them to. Mr. Nichols brought in an Act to enable the Magistrates to apprentice juvenile offenders, even after conviction; that has been done in the case of pickpockets.

111. Was that passed? Yes.

112. *By the Chairman*: What is your opinion as to the comparative numbers of male and female delinquents in proportion to the population—arc male or female delinquents most numerous? Female, decidedly. There are more female juvenile prisoners than male, but they are young prostitutes; they are very incorrigible, some of them.

113. They begin early? They begin very early. I have tried to reform several of them, but without success. They have been sent to the House of Refuge, and the House of the Good Shepherd; but they have run away continually, and have ultimately been sent to gaol.

114. Under the Vagrant Act? Yes.

115. Simply for prostitution—not for any other offence? Yes, under the Vagrant Act; some of them for petty thefts.

116. Do you think that class of delinquents on the increase in this country? Yes; and they are very difficult to deal with; they are sent to gaol principally for disorderly conduct and drunkenness.

117. I think you said that your limited accommodation rendered it more difficult for you to deal with female than with male prisoners? Yes; there is less accommodation for females.

118. Do you think the present want of accommodation has any effect upon female prisoners after sentence? No; I do not think the same contamination takes place between female as between male prisoners. I think women who are bad themselves—unless they are very bad indeed, and make it a source of livelihood—rarely contaminate young girls. It is only the regular prostitute or bawdy-house keeper who will do so.

119. You say you have a good many of this class? Yes.

120. How are you able to keep the younger girls apart from these hardened offenders? We do so as much as possible; they are put among females of the better class.

121. Do you find the same characters come back to you continually? Yes.

122. Then that would lead to the conclusion that a young girl having once taken to that mode of life is seldom reclaimed? Very seldom. The only means of reclaiming is to induce them to go into one of the Houses of Refuge.

123. Do you think there is an inclination to adopt that means of reforming themselves? Yes, sometimes.

124. Have you known any instances of a good effect having been produced? Yes. Some time since there was a girl in the Parramatta Gaol who was very ill, and I obtained for her a remission of sentence, and an admission to the House of the Good Shepherd; she was maintained in lodgings, and died, as I believe, a sincere penitent.

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125. Have you found, generally, that drunkenness has accompanied prostitution? It follows upon prostitution.

126. Which would you say was the cause, and which the effect? Prostitution is in many cases the cause. A young girl who is a prostitute is almost sure in after life to become a drunkard, and to die from the effects of drink. I knew one instance, in particular, of a girl who had been a prisoner, but she was never drunk until she became a prostitute.

127. *By Mr. Hay:* Have you any means in gaol to attempt the reformation of these younger girls? No means.

128. Do you not think it greatly to be desired? Yes; I think it very desirable, and for this reason I approve of separate prisons for females.

129. You think that a strong reason for separating females, and that the evil is increasing? Yes; I think the fact of these young girls seeing men constantly tends to inflame their passions. Their minds cannot be kept calm and quiet so long as they are able to see men; and I think the same effect is produced upon men in similar circumstances when they see women from time to time.

WEDNESDAY, 2 DECEMBER, 1857.

Present:—

MR. COWPER,
MR. FORSTER,

MR. ROBERTSON.

MR. HARGRAVE,
MR. HAY,

W. FORSTER, ESQUIRE, IN THE CHAIR.

David Forbes, Esq., J.P., called in and examined:—

1. *By the Chairman:* Will you be good enough to state in what capacity you have been employed under Government? I am at present Police Magistrate of Sydney, and Visiting Magistrate of Darlinghurst Gaol, and I was formerly Police Magistrate of Parramatta, and Visiting Justice to the Gaol there. From the year 1851, until my appointment as Police Magistrate of Sydney, in February last, I was at Parramatta in the capacity I have stated.

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2. During these periods has your attention been directed to the subject of prison discipline, in this Colony in particular? My attention was first attracted in consequence of observing, during my visits to the Parramatta Gaol, a large number of prisoners confined there, without any kind of employment, when labor in the Colony was scarce, and wages exceedingly high. It struck me that the mere fact of their being enclosed within walls was no reason why they should not be employed in some useful manner, so as to contribute, from the proceeds of their labor, towards their maintenance.

3. Will you be kind enough to state, generally, your opinion of the system that has been prevailing for some time, without reference to any improvements that may have been lately introduced—whether it has been defective and requires great improvements, or whether it is possible to go on for any length of time with the present system? I think the present system, and that which has been for a length of time in operation, is so faulty in every respect that it is difficult to say where the reformation should commence. It appeared to me, immediately I began to study the subject, that we must begin with our reforms at the beginning, and go through with them to the end. Every individual thing that has been done has been done in the old-fashioned style. The improvements that have been made in prison discipline in other parts of the world have failed to attract the attention of people here. Everything here is in the most primitive state.

4. You think, in fact, the system could hardly be worse than it is? It could not; it is bad as regards the certainty of punishment; it is bad as regards the association of prisoners, thereby giving the opportunity to old offenders of corrupting those who have been sentenced for the first time; it is faulty with regard to the means of maintaining the health of prisoners, as to the arrangements for sleeping, and as to cleanliness; the clothing is insufficient and bad; the scale of rations might advantageously be bettered, and there is no proper classification of prisoners. Besides these objections to the present system, there is the enormous expense. I believe the gaols of this Colony cost as much, or more, than similar establishments do in any other parts of the world.

5. And a great deal more than they need? A great deal more than they need. I have no doubt if wages had remained at the rate they were some short time ago the prisons here might have been made wholly self-supporting, and £50,000 a-year might have been saved to the country.

6. I understand you to say you consider the prisons have had a bad effect upon the prisoners themselves? Yes; you work in a circle. The prisoners when they get out of prison commit other crimes, and only cease to be a trouble to the country when they die.

7. They have no reformatory influence? No reformatory influence.

8. And no effect in the prevention of crime? They prevent crime simply by keeping criminals within four walls. Then I believe that on Cockatoo Island all kinds of unnatural offences are committed: the system could not possibly be worse than it was there when I visited it two years ago. The Board, of which I was a member, appointed to inquire into the state of that island, reported to that effect.

David Forbes, 9. Have you been in the habit of visiting Cockatoo Island? I visited it as a member of the Board to which I have referred.

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2 Dec., 1857. 10. You are not particularly acquainted with the management of that island? Except as a member of that Board.

11. I understand you to state that these evils exist in a greater degree at Cockatoo Island than elsewhere? I think they do, in consequence of large numbers of prisoners being crowded together in large dormitories—as many as 90 in one. In answering the question, I speak only from the knowledge I acquired as a member of the Board to which I have already referred, which Board recommended as an improvement the introduction of the American Silent System, although not in its entirety.

12. We will come presently to the improvements you would introduce. I wish now to obtain your opinion as to the effects and results of the system that has been carried on. You have stated these to have been as bad as they possibly could have been—have you, in the exercise of the authority vested in you as Visiting Justice of either of the gaols you have named, attempted to put any improvement into execution? I have made suggestions to the Government, but I have been considerably cramped in what I have been able to do, because I have not known how far my authority extended as Visiting Justice.

13. Will you state where you commenced—what you suggested, and what you attempted to put into practice? I first brought the matter under the notice of Government on the 10th of March, 1854, and, simultaneously with writing to Government, I endeavoured to put in practice some of the reforms I suggested. I obtained work for the prisoners, framed new rules and regulations for their management, and endeavoured to carry out as far as I was able the American Auburn System. In the year 1855 I was appointed member of a Board to inquire into and report upon the best system of prison discipline which, under the present and probable future circumstances of the Colony, it would be most desirable to adopt. I drew up the Report, which was submitted to and approved by the Board. It was completed and sent in about August, 1855.

14. Will you state from what sources you derived these reforms—was it from your experience of the practice in other countries, or from what you had read and seen? It was chiefly from a book I obtained on the subject—"Hill upon Crime." The writer is now, I believe, Inspector General of Prisons in the United Kingdom. I made my own observations upon the results of the experiments I was trying in Parramatta Gaol, but I had no means of knowing what was going on elsewhere, except from books.

15. *By Mr. Robertson:* When were you appointed a member of this Board? The appointment was dated the 12th April, 1855, and the Report was sent in, I think, about the first week in August of the same year.

16. *By the Chairman:* In consequence of your recommendation to the Government, and of the authority with which you, from your position, were invested, were you able to put any of the improvements you suggested into practice? In the first place I sought for work for the prisoners, and I was enabled to employ a large number at the Parramatta Gaol in cutting stone.

17. You put a certain system into operation to a certain extent? Yes. The public supplied the work and the prisoners were the workmen. This work the prisoners were paid for. As an inducement to the prisoners to work, I at first allowed them one-third of their earnings; this was retained in the hands of the Gaoler, and was given them on their liberation from gaol. Afterwards this arrangement was altered, at the suggestion of the Sheriff, and they were allowed one-half. This they received for a considerable period, until I pointed out to the Government that I thought it too much, and the proportion was reduced again to one-third; that third was divided by two; one-half was expended in the purchase of tea and sugar, and distributed in equal proportions among the prisoners who worked; the other moiety was given to them when they left the gaol. I found this inducement sufficient to make them labor tolerably well, and to be tolerably obedient to the rules and regulations of the prison; but I found that it was faulty, inasmuch as it was not a sufficient inducement, and it was suggested in the Report of the Board—the suggestion was mine—that for this purpose, we would recommend that all the work done by prisoners should be paid for, and an account kept of the earnings of each; and that the average cost of a prisoner should be ascertained, by dividing the total expense of all the gaols and penal establishments by the total number of prisoners confined in them. Then, as a reward for industry and good conduct, we would recommend that each prisoner should receive one-fourth of his earnings, to be paid into the Savings' Bank to his credit at the end of each month, and, in addition to this, that he should be allowed to shorten the period of his sentence by one-fourth as a maximum; if, at the end of the month, it was found that three-fourths of the prisoner's earnings (the proportion the Government would receive) had more than covered his cost, the prison should be allowed one-fourth of a month in time; if it were found that the proportion which the Government received did not cover the cost of the prisoner, then he would receive a less amount of credit in time, proportionate to the deficiency; for example, suppose the average cost of a prisoner to be £1 10s. per month, and suppose prisoner A earned £1 in a month, and B earned £1 in a month, A would have £1 paid into the Savings' Bank, and £3 to the Government, and receive one-fourth of a month credit in time; B would have 5s. paid to the Savings' Bank, 15s. to the Government, and receive one-eighth of a month credit in time.

18. You have stated that in Parramatta Gaol you put a particular system into operation to a certain extent? Yes.

19. If I understood you rightly, it was borrowed from the Auburn System, in operation in America, with some modifications? The Auburn System has been introduced into England.

20. With some modifications of your own? Yes.

21. I think it will shorten the inquiry, if you state the period during which you have been able to observe the operation of this system, and what result you have seen from it; and then endeavour to place before the Committee some embodiment of what improvements you contemplate,

contemplate, because, if I understand you rightly, this system which you have already partly put into practice might be made applicable to the gaols of the Colony generally? My Reports to the Government, dated 31st December, 1855, and 31st December, 1856, contain full and detailed accounts of my proceedings, and of the system which I introduced into the gaol at Parramatta, with the results; the last of these Reports was not sent in before the documents since printed were moved for, and consequently it was not included in them. I think the system pursued at Parramatta would be an improvement upon the system pursued at other gaols in this Colony; but the Parramatta system, if I may so call it, is only an improvement—it is still very far from being a perfect system.

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22. How long was this system in operation in Parramatta Gaol? From March, 1854, to February, 1857, under my own eye; and it has since been carried on by Mr. Darvall, the present Police Magistrate.

23. Were you satisfied with the results, as far as you were able to see them? Yes, I was well satisfied with results. When I left Parramatta, there were 250 prisoners in the gaol; the average number during the year 1856, and the actual cost of them during that year in provisions, clothing, and management, was £4,686, or thereabouts, after deducting £951 17s., forwarded to the Treasury in money for work done by the prisoners, and £72 value of work done for Government by the female prisoners. I know that at the time the cost of the whole number of prisoners then in the Colony, which I reckoned to be about 1,300, was about £45,000 for the same year, but reckoning at the same rate as those at Parramatta, the total cost would not have been more than £2,500. With regard to the prisoners themselves, I found many of them settled in the town; some of them had set up as tradesmen, labored at their business, supported themselves, and become useful members of society; some of them who knew no trade when they came to the gaol, learned the art of stone cutting there, and were hired by Mr. Houson (a builder in Parramatta) immediately they were liberated, at £3 per week, and continued to work for him at that rate. I do not say that this was the case in many instances, for you cannot look for much reformation in prisoners under any system. Then as regards health, there was a decided improvement; the medical men said there was less sickness, and that they had not half the trouble they had had before; the punishments, too, in the gaol were reduced about one half.

24. I understood you to say that you got the system into operation under much difficulty, from want of accommodation? Yes, for I found half the space between the walls had been occupied as a garden, and when I applied to have a fence put up, one was erected that was useless, so that we could not extend the place where the people worked, and the consequence was, that they were cramped in small yards. Several prisoners were also obliged to sleep in the same cells, which is very objectionable; under a proper system of management every prisoner should be provided with a separate cell.

25. Having stated that you watched this system, and were satisfied with the results, I should like to inquire *seriatim* into the different heads under which improvements may be classed. Does your system contemplate the appointment of an Inspector General, who should look after all the gaols in the Colony, or would you have them under local supervision? I think it very desirable they should all be under one head. That system has been found to answer well in England, Ireland, and Scotland. Unless all the gaols be under one head, and governed by the same rules and regulations, the punishment for similar offences in different parts of the Colony would not be uniform—imprisonment in one gaol, might be made a greater punishment than in another, which is the case at present. Each State in America has a Board of three Inspectors. I think it to be a great drawback to the American system that each separate State has its separate prison, because a separate State is not able to carry out all the improvements which might be made if the whole of the States, or several of them, were united under one head. For instance, instead of having fifty prisoners in one gaol, and three hundred in another, male and female prisoners together in one prison, they could be classified, and much more efficiently managed, if under one superintendence.

26. *By Mr. Hay:* Does not each individual State contain more inhabitants than New South Wales altogether? I am not prepared to answer that question, but the amount of crime in proportion to the population is much greater here. Here the proportion is about five in a thousand, while in America it is only one-half in a thousand. I think no State in America has so many as 1,300 prisoners in it.

27. *By the Chairman:* Would the Inspector of Prisons have the whole of the gaols of the Colony under him? Yes.

28. Do you think the Sheriff could perform this duty? I have anticipated many of these questions in the draft of an Act, which I would submit to the Committee. It is an Act based upon that at present in force, and at the end there are rules and regulations which would require to be enforced; these I have taken, partly from those which exist in England, partly from those in operation in America, and partly from the present regulations in this Colony. Schedule B, attached to it, fixes a scale of average of time between transportation, penal servitude, and imprisonment; this is required where imprisonment is substituted for transportation—transportation being the sentence under the Statute or Act of Council. The term "penal servitude," I have used to signify a sentence which I would propose to substitute in most cases both for imprisonment and for transportation; and when a prisoner was so sentenced I would leave it to the Inspector of Prisons to say where the sentence should be carried out, so that he might classify the prisoners, place them where their labor would be most available, and where the more hardened offenders would be least likely to contaminate their fellow prisoners. [*The witness handed in the same. Vide Appendix A.*] I would beg to direct the attention of the Committee to the ninth and tenth Reports of the Prison Association in New York, and more particularly to the ninth, where reference is made to Sir William Denison's plans of prison discipline, as adopted in Tasmania, and a comparison is instituted between those plans and Captain Maconochie's system, which Reports I now hand in for the use of the Committee. I may add, that I believe I stand alone among those who

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have publicly expressed their opinions on this subject, with reference to the suggestion I have made of allowing prisoners a certain amount of time. Mr. Ormsby, one of the witnesses examined by the Board, who had had perhaps the best opportunity of observing the effect of allowing time for work, says—"There are many men here who set no value on the money they may earn, but who would work very hard for time to shorten their sentence, if allowed to do so. No money that you could offer the prisoner would have so much value in his eyes as allowing him time." The draft of the Act I have submitted has been prepared upon the supposition that time would be allowed. I think that inside the prison walls the same inducements to labor should be held out, as far as possible, as those which induce men to labor in the outer world. Now, if you were to take a laborer in the outer world, and set him to work without offering him any other inducement than that of getting his daily bread—if you would not allow him to better his condition by accumulating his earnings—the amount of labor you would obtain would be but small; and that is precisely the position in which you place a prisoner, if you do not allow him any time. He can lay by nothing—he can better his condition in no possible respect—if not permitted to shorten the period of his sentence; the only sort of accumulative benefit you can give him is by allowing him to lessen the time within which he shall join the world outside. If that were allowed in the prison, under certain regulations and restrictions, you would find the prisoners would labor as hard in gaol, or nearly so, as ordinary laborers do outside. At the same time there is another consideration, namely, that payment of that kind costs nothing. If this suggestion were carried out, all prisoners should be sentenced to penal servitude, instead of to imprisonment or transportation, according to a certain proportion, as stated in the Schedule I have handed in. The Inspector of Prisons should have power to put the prisoner into any prison where the sentence could most conveniently and effectually be carried out. Under the suggestion I have made, I propose that a prisoner should be allowed to shorten the period of his sentence by one-fourth, as the maximum of reduction, under the rules and regulations I have laid down in Schedule A. This alteration in the present system would not make the sentence of the Judge more uncertain than it is at present; because, if the Judge sentences a man to be imprisoned with hard labor, and he will not labor, then you are obliged to resort to the solitary cell, and all kinds of other punishments, to compel him to do that which he was sentenced to do; but as these extra punishments formed no part whatever of the Judge's sentence, so that sentence is not more strictly enforced than if you said to the prisoner—"Instead of these extra punishments you shall continue in prison one-fourth more time than that to which you were sentenced, unless you work, or the proportion of it corresponding to the time you do not work."

29. *By Mr. Hay:* Is not the proportion of the extra earnings which you propose to give the prisoner at the end of his servitude, a sufficient inducement to him to labor? No; because when a man is sentenced to a long period of imprisonment he only looks to immediate benefit; he does not care for anything which he does not earn at once; and to tell him that at the end of seven years, or a still longer period, he shall have a certain amount of money, is no inducement at all. A man under such circumstances will say—"I might die; I might never get out of this place, or something might happen to prevent my getting this"; but if he were to earn a certain portion of time he would seem to possess that advantage at once; if he were to work four days and get five, or three and get four, he would feel that he was gaining something. If you deprive the prisoner inside the gaol of any portion of the inducements which operate upon the laborer outside the gaol, you will not obtain a greater amount of labor from him than you would from the laborer outside under similar circumstances. If you were to say to the laboring man outside—"You shall not accumulate," what would be the result? That he would only work sufficiently to get what he required for his daily necessities; and if you were to have recourse to the lash or the cell, would that induce him to labor? I think not.

30. Are you looking mainly to the economical question, or are you taking into consideration the advantages as regards the main object of punishment? I am looking to the main object of punishment more than to the other question. I think, as Dr. Paley puts it, that there is nothing more difficult than for a man to change his usual habits, and to require him to do so is in itself a great punishment. Now many of these men are smokers of tobacco, and they are prevented by the regulations from using tobacco, and the depression of spirits is often very great from the prohibition of its use; then you make these men rise early, work late, put them into separate cells, clothe them in the coarsest, feed them on the poorest fare, subject them to constant watching, and, when guilty of any offence or breach of discipline, visit them with immediate punishment. Under the system I propose the prisoner would have to labor hard, and would receive only a small portion of the results of that labor; and I think such a system would be far more severe than that which at present exists. These men are now associated in certain ways together, and can carry on conversations from the time they are locked up, from which time there is an end of all supervision.

31. I do not wish you to compare your proposed system with the present, but to state whether you think this would be an improvement, as far as the main object of punishment is concerned? Then I would make this observation, that the less you are called upon to punish the greater the chance of reformation. When you can induce a man to work willingly half the reformation is accomplished. I would assimilate the inducement to labor in gaol to that which operates outside; but if you hold a whip over the head of the prisoner and say—"If you do not work I will flog you," while he is in gaol he may work sufficiently only to avoid the lash, but when he gets out, and the whip is removed, he falls back into his previous habits of idleness. Nothing gives a man a greater disgust to work than his being forced to do it from the fear of punishment.

32. I think you have already said you have no great faith in the reformatory effects of prison discipline? I have not; still I think a great deal may be done to some long sentenced men; but as to reforming old offenders, I think that is out of the question. Where, however, a

man

man has been but once guilty—where he has only once fallen—if he were put to prison, under a good and efficient system, there is a much greater chance of reformation.

33. With regard to the great object of punishment, apart from the economical reformatory question—do you think this system of giving time would have any great effect in the prevention of crime? I think it would not have the slightest effect one way or other, as far as the terror of punishment would be effected; but I think it would have a great effect in reforming any prisoners who were likely to be reformed, as well as to induce all to labor much harder than they would otherwise.

34. But it would have no effect either way in preventing crime? I think the terror of punishment depends upon the certainty of its immediately following crime, and if it is supposed that the plan I have proposed would effect the certainty of the sentence, the Judge, in passing sentence to penal servitude for four years, might say to the prisoner,—“If you work hard, conduct yourself well, and obey the prison regulations, you will be liberated at the end of three years.” That would be just as certain as it would be to sentence the prisoner to three years imprisonment with hard labor. Such a sentence could not be enforced if a prisoner were refractory and obstinate, unless you put him into a cell and kept him on bread and water, and even then you might not be able to carry out the sentence; whereas if the sentence I have stated were passed, it would be fixed and certain. I do not propose that the indulgence of time and money, as a reward or inducement to labor, should be given for work, and work only, where any prisoner disobeyed the prison regulations, or committed any offence for which he was confined in a solitary cell on bread and water; I have provided in the rules and regulations I have appended in Schedule A to the draft of the Act handed in, that he should lose the whole of his earnings, both in money and time, for the month previous to that in which the offence was committed.

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APPENDIX A.

*DRAFT of “An Act to alter and amend the law for the regulation of
“Gaols, Prisons, and Houses of Correction in the Colony of New
“South Wales, and for other purposes relating thereto.”*

WHEREAS it is deemed expedient to alter and amend the Act of Council passed in the fourth year of the reign of Her Majesty Queen Victoria, intituled “*An Act for the regulation of Gaols, Prisons, and Houses of Correction in the Colony of New South Wales and its Dependencies, and for other purposes relating thereto,*” and to make provision for the better regulation of Gaols, Prisons, and Houses of Correction in the said Colony, and for the better classification, government, and instruction of the prisoners confined therein: Be it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales, in Parliament assembled, and by authority of the same, as follows:—

1. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

The word *Governor* shall mean the Governor of the Colony of New South Wales for the time being.

The words *Governor and Executive* shall mean the Governor aforesaid by and with the advice and consent of the Executive Council of the said Colony.

The word *Judge* shall mean any Judge of the Supreme Court, County Court, Chairman of Quarter Sessions, or Judge resident at any part of the said Colony.

The word *Prisoner* shall extend to and mean any person who may at any time before or after the passing of this Act have been or be committed for any crime, offence, or misconduct, or for safe custody, or under remand, or for any other purpose, to any Gaol, Prison, House of Correction, or Penal Establishment within the said Colony.

And the word *Prison* shall extend to and mean any Gaol, Prison, House of Correction, Penal Establishment, or other place within the said Colony where prisoners are or hereafter may be confined or kept.

2. All prisons used as such at the time of the passing of this Act shall be notified by proclamation, published in the New South Wales *Government Gazette*, by order of the Governor, and all prisons which after the passing of this Act may be established, or which may be abandoned, shall from time to time be notified by proclamation in a similar manner.

3. All prisons shall be governed by the rules and regulations contained in Schedule A, appended to this Act, made by the Governor and Executive for the good management of the same, which rules and regulations so made it shall be lawful for the Governor and Executive to alter and amend from time to time in any manner they may deem advisable: Provided always that it shall be lawful for the Judges to make all such rules and regulations for the management of all such prisons as now are or hereafter shall be appointed, set apart, or used for the imprisonment of debtors; and to make such rules and regulations for the control of such debtors therein respectively confined as to the said Judges shall seem meet.

4. It shall be lawful for the Governor and Executive to appoint one fit and proper person to be Inspector of Prisons, who shall be charged and invested with the general superintendence, control, and management of all prisons, whose duty it shall be to report constantly as to the state of the different prisons, to make such suggestions for the improvement of the discipline of each as he may think advisable, to point to any defects in existing regulations, to keep a watch over the conduct of the officers, and to perform such other duties as may be required of him under the rules and regulations already referred to:

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Provided nevertheless that it shall be lawful for the Governor and Executive at any time to exempt from the superintendence, management, and control of such Inspector of Prisons any prison or prisons, and to place the same respectively under the charge, care, and direction of any Sheriff of New South Wales, and all prisoners committed to any such prison or prisons so exempted shall be deemed to be in the custody of such Sheriff.

5. It shall be lawful for the Governor and Executive to appoint some fit and proper person to be Warden of each prison, and every Warden so appointed shall reside within the walls of such prison, shall be charged with the general superintendence and management thereof, under the immediate direction of the Inspector of Prisons, and shall be responsible for the safe custody of all prisoners delivered into the keeping of the said Warden, until they shall be duly discharged therefrom.

6. It shall be lawful for the Governor and Executive to appoint some fit and proper person, being a Magistrate of the Territory, to be the Visiting Justice of each prison; and every Visiting Justice so appointed shall be required to visit such prison at least once in every week, or oftener if required; and such Visiting Justice shall have power to hear and determine all complaints touching the following offences, or any of them, that is to say:—disobedience of the rules of the prison, assaults by one prisoner upon another where no dangerous wound or bruise is given, profane cursing and swearing, any indecent behaviour and any irreverent behaviour at or during Divine service or prayer—all of which are hereby declared to be offences under this Act, if committed by any prisoner; and the said Visiting Justice shall also hear and determine all complaints of idleness or negligence in work, or wilful mismanagement of work, which are also declared to be offences under this Act, if committed by any prisoner; and if any prisoner shall be convicted of any of the offences aforesaid, it shall be lawful for the Visiting Justice to sentence such prisoner to be confined in a solitary cell, on bread and water, for any term not exceeding seven days; and such Visiting Justice shall perform all such other duties as may be required of him under the rules and regulations framed as aforesaid for the good management of prisons.

7. With respect to the appointment of officers other than those hereinbefore mentioned, the Chaplains, Surgeons, Clerks, and Deputy Wardens of prisons shall be appointed by the Governor and Executive, and the subordinate officers required for the safety and care of such prisons and of the prisoners confined therein, shall be appointed by the Warden of each respectively, subject to the approval of the Inspector of Prisons; and all these several officers shall be required to perform faithfully and diligently the duties severally allotted to them in the rules and regulations aforementioned.

8. The Inspector of Prisons shall have like powers to hear and determine all offences declared to be such under this Act committed by any prisoners, and the like power of punishing the same given to Visiting Justices.

9. It shall be lawful in all cases to substitute the sentence penal servitude in lieu of imprisonment, or imprisonment with hard labor, or hard labor on roads and public works, or transportation, which it may now or hereafter be lawful to inflict under the several Statutes and Acts of Council in force in the Colony of New South Wales, according to a certain fixed scale (Schedule B) appended to this Act. And in all cases where prisoners are sentenced to penal servitude, it shall be lawful for the Inspector of Prisons to cause any prisoner so sentenced to be imprisoned in any prison he may think fit, or to be removed therefrom to any other from time to time, until the expiration of such sentence: Provided, nevertheless, that the several Judges shall have full power and authority, whenever they see fit, to order and direct the imprisonment of any prisoner, whether with or without hard labor, to take effect in any particular prison.

10. All prisoners committed to prison prior to the passing of this Act may be removed from one prison to another by order of the Inspector of Prisons, in the same manner as prisoners sentenced to penal servitude under this Act, such Inspector of Prisons having first obtained authority from the Governor and Executive in each individual case to make such order.

11. It shall be lawful for any Judge, Barrister of the Supreme Court, Justice of the Peace, Clergyman, or duly qualified Medical Practitioner, as often as he or they may think fit, to enter and examine any prison at any time he or they may think proper so to do; and any Warden, Deputy Warden, or other person employed in any such prison who shall refuse admittance or offer any hindrance or obstruction to any such Judge, Barrister, Justice of the Peace, Clergyman, or Medical Practitioner, shall, on conviction of the same before any two or more Justices of the Peace, forfeit and pay any sum not exceeding ten pounds.

12. And whereas persons convicted of offences are frequently sentenced to imprisonment without being sentenced to hard labour—It shall be lawful for the Warden of any prison to order all such persons, except such prisoners as maintain themselves, to be set to hard labor; provided that no prisoner who has the means of maintaining himself or herself shall have any claim to be supplied at the public expense.

13. It shall be lawful for the Inspector of Prisons to order any prisoner to be separately confined during the whole or any part of his or her imprisonment, and such separate imprisonment shall not be deemed solitary confinement within the meaning of this Act, forbidding the continuance of solitary confinement for more than seven days: Provided always, that no cell shall be used for the separate confinement of any prisoner which is not of such a size, and so ventilated and lighted, that a prisoner may be confined therein without injury to health, and every prisoner so confined shall have the means of taking air and exercise, at such times as shall be deemed necessary by the Surgeon of the prison. And further, it shall be lawful for the Inspector of Prisons, under authority in each case first obtained from the Governor and Executive, to order any prisoner or prisoners to be worked outside the walls or precincts of any prison under a sufficient guard, and all such prisoners so worked shall be deemed to be in the custody of such guard for the time being.

14. If any person whomsoever shall carry, bring, or attempt, or endeavour to carry, or bring into any prison any spirituous or fermented liquor, it shall be lawful for the Warden, Deputy Warden, or any of their assistants, to apprehend, or cause to be apprehended such offender, and to take him or her before a Justice of the Peace, who is hereby empowered and required to hear and determine such offence in a summary way, and if the said Justice shall convict the said person of such offence, such offender shall forthwith forfeit and pay any sum of money not exceeding twenty, nor less than five pounds, or in default of payment, shall be committed to prison to penal servitude, for any term not exceeding two calendar months

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15. If any person shall convey, or cause to be conveyed, into any prison any mask, visor, or other disguise, or any implement or arms, proper to facilitate the escape of any prisoner, and the same shall deliver, or cause to be delivered, to any prisoner in such prison, or to any other person therein, for the use of any such prisoner, without the consent or privity of the Warden of such prison, every such person shall be deemed to have delivered such mask, visor, or disguise, instrument, or arms, with intent to aid such prisoner to escape, or attempt to escape, and if any person shall by any means whatsoever aid and assist any prisoner to escape, or in attempting to escape from any prison, every person so offending, whether an escape be actually made or not, shall be guilty of felony, and being convicted thereof, shall be sentenced to penal servitude for any term not exceeding five years.

16. If any person shall convey, or cause to be conveyed, to any prisoner any article or thing for the use of such prisoner without permission from the Warden or Deputy Warden, or shall throw any article or thing over the walls of the prison for such purpose; or if any person shall receive any article or thing from any prisoner, whether by throwing over the walls or otherwise, without permission so to do as aforesaid, such person, being convicted of such offence, shall forfeit and pay any sum of not more than twenty nor less than five pounds.

17. It shall be lawful for the Warden of any prison to confine in a separate cell, until the next visit of the Visiting Justice or Inspector of Prisons, or either of them, any prisoner in the custody of such Warden who may be accused of any of the offences declared to be such under this Act; provided that in every such case the Warden shall, with as little delay as possible, notify the same, in writing, to the Visiting Justice.

18. If any prisoner shall be guilty of repeated offences against the rules of the prison, or of any greater offence than hereinbefore mentioned, upon complaint thereof to any two Justices of the Peace, of whom the Visiting Justice may or may not be one, such Justices shall have power to inquire upon oath into and determine the matter of such complaint, and to order the offender, on conviction, to be punished by close confinement for any term not exceeding one calendar month.

19. Whenever any contagious disease or other emergency shall render necessary the immediate removal of the prisoners, or any of them, confined in any prison, and that previous thereto it shall be impossible to obtain the order of the Governor and Executive sanctioning such removal, it shall be lawful for the Inspector of Prisons, or the Visiting Justice, or the Police Magistrate of the district in which such prison shall be situate, and he is hereby empowered, to issue an order to the Warden of such prison to remove such prisoners, or any of them, to such other prison or place of confinement within his jurisdiction as shall be specified in such order during such time as may be required for any purpose of this Act: Provided always, that every such order of the Inspector of Prisons, Visiting Justice, or Police Magistrate, with the causes thereof, shall be forthwith notified to the Governor: Provided further, that no such removal under this Act shall be deemed or taken to be an escape, and nothing herein contained shall extend to discharge any officer from being answerable for the actual escape of any prisoner in his or her custody.

20. The Inspector of Prisons shall visit and inspect all the prisons under his control and management at least once a month, and at the end of each year shall make a report to the Governor of the manner in which each of such prisons has been conducted, to which report shall be appended reports from the several Chaplains, Surgeons, Visiting Justices, and Wardens of each, and he shall furnish all such statistical or other information with reference to each of the prisons under his inspection as may be required of him by the Government.

21. Nothing in this Act contained shall in any way abridge or affect the power of any Sheriff of New South Wales over any prisoner before he shall be delivered into the custody of the Warden of any prison, or after such prisoner shall be received from such Warden by such Sheriff; and such Sheriff shall have the same power as before the passing of this Act over all prisons exempted in manner aforesaid from the control and management of the Inspector of Prisons.

22. Children more than one year of age of convicted prisoners shall on no account be admitted to remain within any prison; and in every case where such children are left unprotected in consequence of the imprisonment of their parents or guardians, it shall be lawful for the Governor to order them to be forwarded to any Orphan School or other charitable Institution, there to be brought up and educated at the public expense; and on no account shall such children be returned to their parents or guardians so imprisoned as aforesaid after they have been released from prison.

23. All fines, forfeitures, and penalties under this Act imposed, to be recovered in a summary manner before any two Justices of the Peace.

24. Repeal of clauses in Act 4 Victoria, No. 29.; &c., &c., &c.

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SCHEDULE A.

RULES AND REGULATIONS FOR THE MANAGEMENT OF PRISONS.

Duties of Inspector of Prisons.

1. To visit each of the prisons under his control at least once in each month throughout the year, and as frequently at other times as he may deem necessary.
2. To distribute the prisoners throughout the several prisons, as far as practicable, with reference to sex, age, and ability to work, and to classify the prisoners in each of the prisons, after they have been so distributed, with reference to character and similarity of occupation.
3. To fix and determine the particular kind of employment in which each of the several classes of prisoners shall be engaged.
4. To examine and inspect the Accounts of the Warden and all the Books and Returns kept by the Clerk, in order to see that they have been regularly written up and properly kept; to inspect the work performed by the prisoners, and diligently to inquire and examine into the condition of the prison and the prisoners.
5. To establish schools in each of the prisons, under the direction of the Chaplain of each, for the religious and secular instruction of prisoners.
6. And generally to inquire into all matters connected with the Government discipline and police of each prison, and to make such orders and regulations as he may consider expedient; provided such regulations and orders in no way conflict with the rules and regulations framed by the Governor and Executive.
7. To keep a Journal of his visits and proceedings at each of the prisons, and on or before the first day of December in each year to render a Report to the Colonial Secretary, showing the state and condition of each of the prisons, the number confined in each, the number which have been received and discharged, the number of punishments inflicted, the amount of money received and expended, the quantity of work performed, and all the transactions of the several prisons under his control, for the year immediately preceding such Report; to be accompanied by Reports from the Surgeon, Visiting Justice, and Warden of each prison.
8. It shall be the duty of the Inspector of Prisons, during his monthly visits at each of the prisons, to call together a Board, consisting of himself, the *ex officio* Chairman, the Visiting Justice, and the Warden.

Duties of the Board.

1. All contracts for work to be performed by prisoners, or for the supply of articles not usually supplied by the Government Contractors, shall be taken by tender; and it shall be the duty of the Board at its monthly meetings, to give public notice, in any manner they may determine, calling for tenders for the purposes above described; and they shall have full power to open such tenders, (which shall be in writing), and accept or reject any of them in their discretion.
2. They shall examine the Accounts of the Warden and audit the same, and inspect the stores and all tools and materials, as well as all articles manufactured by prisoners.
3. The Clerk to the gaol shall keep the minutes of the meetings of the Board, and attend its meetings for such purpose; and further, the Board shall take cognizance of all such matters and things as the Inspector of Prisons shall deem it desirable to bring under notice.

Duties of Visiting Justice.

1. To visit the prison for which he is appointed at least once in every week, and as often at other uncertain times as he may deem necessary.
2. To see that the rules and regulations for the good management of prisons made by the Governor and Executive are printed and hung up in such parts of the prison that both the officers and prisoners may read them.
3. To report to the Inspector of Prisons any occurrence of an extraordinary nature at the time of its happening, or anything that may seem proper to him to be brought under immediate notice.
4. To satisfy himself at every visit that no prisoner is improperly or unnecessarily confined in prison; and he will report every such case, or supposed case, to the Inspector of Prisons, in order that it may be brought under the immediate notice of the Government.
5. To attend the Board at its monthly sittings.

Duties of the Chaplain.

1. To visit at any and all times the male prisoners when in their cells or in hospital, to instruct and teach those that cannot read, to administer to all advice, instruction, and consolation, such as he may deem best calculated to promote their reformation and to impress upon their minds the justice of their punishment, and the necessity on their part of a strict compliance with the rules of the prison.
2. To attend and perform Divine Service to the prisoners who shall be assembled for that purpose in the chapel on every Sabbath Day, at such hour or hours as shall be designated by the Inspector of Prisons; and he shall also hold a Sunday School for instructing the prisoners to read and write, at such time in the afternoon as may be appointed by the Inspector of Prisons.
3. He shall not furnish the prisoners with any information or intelligence in relation to secular matters, except by permission of the Warden; nor shall he have any other intercourse with the prisoners than such as shall be necessary and proper in teaching them to read

read and write, and imparting such moral and religious instruction as shall best be calculated to promote their subordination, reformation, and spiritual welfare.

4. He shall not receive from, or confer any present upon the prisoners, nor shall he have any dealings with them, nor shall he take to or from them any letters to or from any of their friends or others, without the consent of the Warden.

5. He shall in all cases conform to the general rules and regulations made for the government of prisons, and he shall render a Report of his proceedings for the year annually, to accompany that of the Inspector of Prisons, which Report shall contain such remarks and suggestions in relation to the intellectual, moral, and religious condition of the prisoners as he may deem important or necessary.

Duties of the Surgeon.

1. To visit the prison at least every other day, and personally examine every sick and complaining prisoner that may be reported to him as such, or whom he may find in the cells or hospital, and to prescribe such medical treatment as their cases require. He shall also visit the prison daily, or oftener when the condition of the sick require it, and when sent for shall at all times repair immediately to the prison.

2. He shall keep a book, to be called the "Hospital Register," in which shall be entered the names of all prisoners sick, or complaining, requiring medical treatment, with their disease, and his prescription therefor. When a prisoner dies he shall record the nature of the complaint, and all the circumstances connected therewith that he may deem proper or necessary.

3. He shall, in all cases direct the diet to be prepared for the sick, and if it should so happen that the direction or prescription of the Surgeon should not be properly attended to, he shall report the same to the Warden, that proper measures may be taken to prevent future neglect.

4. He shall, annually, furnish a Report, shewing the amount and nature of the sickness which has prevailed, and the deaths that have occurred, during the year, with such remarks, in relation to the condition and treatment of the sick, and the general health of the prisoners, their diet, and clothing, as he may deem necessary or expedient; and he shall conform to the general rules and regulations of the prison.

Duties of the Warden.

1. To reside in the prison, to visit every cell and apartment, and see every prisoner at least once a day, and to sleep in the prison every night—unless he has obtained leave from the Visiting Justice or Inspector of Prisons to be absent.

2. To record in a Journal all punishments inflicted on prisoners for offences committed in the prison—showing the cause and date thereof, and by whose authority inflicted; also all other occurrences of importance in the prison.

3. To cause the Books and Accounts to be so kept as clearly to exhibit the state of the prisoners, the number employed in each branch of business, their earnings, the number in hospital, the expenses of the prison, and all receipts, payments, purchases, and sales.

4. To keep an inventory of all fixtures, furniture, and stores in the prison, and of all articles received for, or taken from, prisoners.

5. To have his Monthly and Quarterly Accounts ready before the 7th day of the month next after that to which they extend, which accounts shall specify, minutely, the persons from whom or to whom moneys are received and paid, and for what purpose; and to certify the same to be correct, before the Board, at its Monthly Meetings.

6. To exhibit the Account Books and several records of the Gaol to the Inspector of Prisons, and to the Visiting Justice, whenever they, or either of them, may desire to inspect them.

7. To see that all persons visiting the prison are treated with uniform civility and politeness.

8. To take care that none of the prisoners who are capable of working are suffered to remain idle if work can be procured for them.

9. To oversee and command all the inferior officers, to see that they conform to the rules and regulations prescribed, to see that the prisoners are treated with kindness and humanity, and to exercise his powers without favour, partiality, or personal resentment.

Duties of the Clerk.

1. To attend daily, (Sunday's excepted) from 9 o'clock, a.m., till 1 o'clock, p.m., and from 2 o'clock, p.m., till 4 o'clock, p.m., and at all other times when he may be ordered to do so by the Warden.

2. To keep the Accounts and Records of the prison with care, neatness, and order, under the direction of the Warden.

3. To attend the Board at its Monthly Meetings, and keep minutes of its proceedings.

Duties of the Deputy Warden.

1. To be present at the opening and closing of the prison during the performance of religious services, and also at all other prison hours.

2. To visit daily the hospital, cookery, and cells, and to see that every part of the prison is clean and in good order.

3. It shall be his duty to exercise, under the direction of the Warden, a general inspection and superintendence over the whole prison and all its concerns; to see that every subordinate officer strictly performs his appropriate duties; to visit frequently the places of labor and yards without notice, and see that the prisoners are diligent and industrious; and generally to see that the rules and regulations of the prison are enforced, and that every precaution is taken for the security of the prison.

4. To attend to the clothing of the prisoners, and see that it is whole, properly changed, and in order.

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Duties of the Overseers.

1. There shall be Overseers appointed to superintend the work performed by the prisoners.
2. Each Overseer on entering on his duties shall take an account of the tools and implements belonging to his department, with the value of the same in money, and shall lodge a copy of such account under his hand with the Warden, and such account shall be corrected monthly.
3. He shall keep an account of stock furnished his department, and of the articles manufactured there and taken therefrom, or of the work done by the prisoners; and also of the daily and weekly earnings of the prisoners—which account he shall render every week to the Warden who shall hand it the clerk for entry in the several books.
4. He shall see that the property belonging to his department is carefully preserved, and that the work is well and faithfully done, and he shall instruct prisoners who are learners in any branch of trade or business under his direction.
5. It is especially enjoined upon each overseer to preserve in his department the most entire order.

Duties of Turnkeys.

1. To keep a strict watch and due surveillance over the prisoners, and not to hold any communication with them further than duty requires.
2. While on duty in the day time they are not to read or employ themselves in any way likely to distract their attention.
3. While on duty at night they are to call the hours and half-hours from 9 o'clock, p.m., till 6 o'clock a.m.; to report immediately to the Warden or Deputy Warden any circumstance of unusual occurrence; and to challenge any person walking through or about the prison after dark.
4. No Turnkey to leave his post without having first obtained permission to do so from the Warden or Deputy Warden; and any Turnkey found sleeping on his post to be dismissed.
5. The Turnkeys in charge of each wing are to examine daily the cells, cell doors, and windows, in order to ascertain whether any attempt has been made to escape, and should any such be discovered, to report the same to the Warden or Deputy Warden immediately.
6. When the prisoners return to their cells from the working yards and shops, the Turnkeys are to use their utmost vigilance to prevent any of the prisoners secreting any of the tools or any pieces of iron or nails about their person.
7. All the Turnkeys for day duty are to be present when the prisoners are let out in the morning.
8. The Turnkey on duty at the gate is never to open it till he has ascertained who it is that seeks admission; he is to report any Turnkey who is half an hour late in the morning; he is not to admit any Turnkey who may be under the influence of liquor; and he is not to allow any Turnkey to pass after going on duty without leave from the Warden or Deputy Warden.
9. And, generally, the Turnkeys are to report any and every irregularity, either of a Turnkey or prisoner, to the Warden or Deputy Warden; to perform all such duties and services for the safety and security of the prison as may be required by the Warden; to be vigilant and watchful while on duty, and orderly and clean when off duty.
10. One of the Turnkeys shall be named by the Warden to see personally that the rations are properly weighed and measured each day, and shall render an account of the same to the Warden every week, who shall hand such account to the Clerk for entry; and such Turnkey shall declare the same to be correct to the Visiting Justice, and shall sign the same in his presence.

Duties of the Matron.

1. The duties of the Matron, with respect to the female prisoners, will be similar to those of the Warden with respect to the male prisoners.

Duties of the Female Turnkeys.

1. The duties of the Female Turnkeys, with respect to the female prisoners, will be similar to those of the male Turnkeys with respect to the male prisoners.

Duties of the Prisoners.

1. To be industrious, submissive, and obedient, to labor diligently, and to conduct themselves towards their officers with deference and respect. They may occasionally speak to each other with respect to the work about which they are engaged, but then only in a low tone of voice.
2. In proceeding to their work, and returning to their cells, the prisoners shall walk in regular order, and in silence.
3. All the prisoners shall attend Divine Service on Sunday, and appear neat and clean in their persons.
4. No prisoner shall write to, or receive letters from, or hold any communication with any person outside the prison without permission from the Warden.
5. No prisoner shall burn, waste, or destroy any article of public property, nor deface or injure any part of the prison.
6. No prisoner shall leave his work without permission from an officer, nor shall he make any unnecessary noise in his labor, nor do anything to interrupt the good order of the prison.

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NOTE.—In order to be certain that the watchmen attend to their duties, a clock should be provided with the face revolving inside an iron case, and the watchman should be required to stick pegs into holes made for that purpose at every quarter of an hour as the face revolved, through a slit made in the case.

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1. The halls and cells shall be swept daily, and the sweepings carried outside the walls of the prison; the floors shall be frequently washed, and the walls whitewashed.
2. The beds and bedding are to be aired in the yard once a week in summer, and once a fortnight in winter; and each prisoner is to take care that his cell is neat and clean.
3. Care is to be taken that the persons of the prisoners are kept clean.
4. The night pails are to be kept carefully clean, and their contents carried outside the prison walls each day and covered.
5. No filth, or nuisance, or offensive matter, shall be suffered to remain in the yards or workshops, and the chippings, shavings, and rubbish are to be cleared away and taken outside the prison walls at least once a week.

Of Work.

1. The prisoners are to leave their cells for work at 6 o'clock every morning in the summer, and half an hour later in winter; breakfast at 7 o'clock in summer, and 8 o'clock in winter; dine at half-past 12 o'clock, and sup at 5 o'clock in summer, and half-past 4 o'clock in winter. One hour will be allowed for breakfast and dinner, and half an hour for supper.
2. Prisoners who are tradesmen are to work at their trades in the prison, if it be possible so to employ them, and they are to be classed accordingly. If they are ignorant of any trade they are to be instructed in one of those carried on in the prison and easily acquired.
3. Each prisoner is to be responsible for the tools and materials served to him, and he will be charged with any that are missing, or unfairly broken or injured.
4. Each prisoner is to be credited at the end of each month with the amount of work actually performed by him during such month, the net proceeds of which, after deducting the cost of tools, materials, and other necessary expenses, are to be divided—three-fourths will belong to the Government, and will be forwarded to the Treasury, and one-fourth will belong to the prisoner.
5. Of the prisoner's share, one-half is to be entered in the books to the credit of his account, to be held until the period of liberation, the other half he will be allowed to expend in improving, or increasing, his prison ration.
6. The average cost to the Government of a prisoner having been first ascertained and fixed for the year by the Board, if it be found that at the end of the month the three-fourths of any prisoner's earnings, forwarded to the Treasury, had more than covered his cost, such prisoner shall be allowed one-fourth of a month in time; if it be found that the proportion which the Government received did not cover the cost of the prisoner, then he shall receive a less amount of credit in time proportionate to the deficiency, and such periods of time so allowed shall be deducted from the time at which the prisoner would otherwise be discharged.
7. All prisoners who labor are to receive the hard-labor ration, and all who are idle the confine ration.
8. Whatever articles are manufactured out of raw material, purchased on account of the prison, are to be sold by public auction.
9. Persons wishing to have work done by the prisoners must apply to the Board at its monthly meetings, in writing, marked, "Tender for work to be performed by Prisoners," and such tenders shall be opened by the Board, and the highest accepted; and the Board shall have full power to accept the whole, or any, of such tenders, provided the period named shall not exceed six months, so that no tender will last longer than six months.
10. The prisoners must, on no account, be allowed to remain idle for want of tools and materials; whenever these are wanting the Warden must at once furnish a requisition to the proper officer, or person, appointed to supply the same, who will be required to furnish them with the least possible delay.
11. Each month's account sales, and for work done, must be kept distinctly separate, and clearly exhibit the amount realized by sale of goods and work done during such month.
12. All accounts must be made up by the 7th of the month next following that to which they belong, and are to be forwarded to the Colonial Treasurer and Auditor General immediately after they have been examined by the Board; and all persons who have not settled their accounts by the 10th of the month next after that in which the work has been performed for such month past, are to have no more work done until the overdue accounts be paid.

GENERAL RULES.

1. All officers will be required to be prompt and ready in their obedience to their superiors in all matters connected with the prison, and to be in attendance regularly, from 6 o'clock in the morning until 6 o'clock in the evening, daily.
2. Officers absent from duty from illness must produce a medical certificate, stating their inability to attend, or their pay will be stopped for the time lost.
3. The Warden shall have the privilege of selecting from among the prisoners a certain number, to be determined by the Inspector of Prisons, who shall act as his servants, but he shall on no account employ any of the other prisoners for his own benefit.
4. No officer or person connected with the prison is to buy from or sell to any prisoner any article or thing whatever, or make with him any contract or engagement whatever, or cause or allow any prisoner to work for him or her (the Warden excepted, so far as is provided in Rule 3), or grant any favor or indulgence to a prisoner, except such as the law allows, nor receive any fee or emolument from the friends or relatives of any prisoner.
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5. When a prisoner is to be discharged from prison he shall be brought into the hall, or clerk's office, and inspected by the Warden; immediately before he is discharged his account shall be made up, and whatever may be due to him paid, and his warrant shall be produced, and read aloud by the clerk in presence of the Warden and Deputy Warden.

6. Whenever it is necessary that a cell should be opened at night, two turnkeys must be present, the one to enter while the other remains on the outside.

7. Whenever the gates are opened to admit carts, or let them out, two turnkeys at least should be present.

8. Whenever a prisoner is punished by being placed in the cells on bread and water, whatever indulgence he may have earned in money or time during the month previous to that in which the punishment is inflicted shall be forfeited.

9. The hard-labor ration shall be—

- 16 ounces wheat bread
- 16 " fresh meat
- 8 " maize meal
- 8 " vegetables
- $\frac{1}{2}$ " salt
- 1 " sugar
- $\frac{1}{2}$ " soap.

The confine ration, or ration for prisoners not required to perform hard labor, shall be—

- 12 ounces wheat bread
- 6 " maize meal
- 8 " fresh meat
- 8 " vegetables
- $\frac{1}{2}$ " salt
- $\frac{1}{2}$ " soap.

10. All officers appointed by the Governor and Executive may be suspended from duty by the Inspector of Prisons until the pleasure of the Governor and Executive is known, and all other officers may be immediately dismissed by order of the Inspector of Prisons.

SCHEDULE B.

Transportation.	Penal Servitude.		Imprisonment.	
1 year	0 year	8 months	0 year	6 months
2	1	4	1	0
3	2	0	1	6
4	2	8	2	0
5	3	4	2	6
6	4	0	3	0
7	4	8	3	6
8	5	4	4	0
9	6	0	4	6
10	6	8	5	0
11	7	4	5	6
12	8	0	6	0
13	8	8	6	6
14	9	4	7	0
15	10	0	7	6
Life	12	0	9	0

NOTE.—Any time less than 1 year in the same proportion.

WEDNESDAY, 16 DECEMBER, 1857.

Present:—

MR. FORSTER, | MR. HAY,
MR. HARGRAVE.

WILLIAM FORSTER, ESQUIRE, IN THE CHAIR.

David Forbes, Esq., called in and further examined:—

[The witness handed in his Second Annual Report, as Visiting Justice of the Gaol at Parramatta, describing the state of that Establishment, and suggesting measures of economy and improvement with regard to its future management.]

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1. By the Chairman: As the draft of a Bill was handed in by you at the last meeting of the Committee, it may be as well for me to ask you one or two questions with reference to it, in order to connect it with the rest of your evidence. Is this an original Bill, or is it adopted from any sources you can mention? I took as the basis of the Bill the Act now in force, 4 Victoria, No. 29. I had no other Act to guide me, but I had the American Reports from the year in which the Auburn System was first introduced up to 1856.

2. Does this Bill include all, or nearly all, that is necessary for carrying out the system you propose? It does include all that would be necessary to carry out the system I propose. I think, however, it might be more complete if a clause were put in with reference to the working of prisoners. I have not put that in, because, if it is objected to give the prisoners any remission ————

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3. You have put in all but what relates to remission? Yes. I think if it were determined remission of sentence should be given, a clause should come in between the 12th and 13th, to this effect,—“It shall be lawful for the Governor and Executive Council, according to a scale fixed by rules and regulations made, and to be made as aforesaid, for the management of prisoners, to remit any portion not exceeding one-fourth of the period of the sentence of any prisoner: Provided, nevertheless, that nothing herein contained shall affect in any way the Governor’s power in the exercise of the prerogative of mercy to remit the whole, or any portion of the sentence of any prisoner.”

4. Do you think you have made sufficient provision for carrying out uniformity of punishment in this Bill? I have in this Bill left a great deal to be regulated by rules and regulations to be made by the Executive; at the same time the power vested in the Executive to make such rules and regulations would be limited by the Bill, while under it the powers which the Judges now possess would be in no way disturbed or encroached upon. The whole of the gaols, too, being under the immediate care and management of one Inspector, the punishment in all would, or ought to be, uniform.

5. I will call your attention to clause 9. It appears to me that you should substitute the sentence of penal servitude in all cases, leaving it to be carried out by the proper officers? My intention is that penal servitude should be the sentence in all cases, and that it should be according to a scale, such as I have proposed in the schedule to the Bill. For instance, as the law stands at present, suppose the punishment for a certain offence to be ten years’ transportation, the Judge would look to the schedule and find that ten years’ transportation was equivalent to six years and eight months’ penal servitude, and that this term might farther be reduced to five years, and he would say to the prisoner in passing sentence—“I sentence you to six years and eight months’ penal servitude, but if you by your work pay all your expenses—if you conduct yourself in an orderly manner, and avoid punishment, you will be able to obtain a remission of one year and eight months of your sentence, or such less proportion as you may deserve to obtain under the gaol regulations.”

6. From what you know of the various prisons in the Colony, would you yourself be prepared to carry out this system by the authority of this Bill, if it were passed? I think so.

7. Is it, in your opinion, practicable to begin this system at once? I think so.

8. What sum would be required to be placed on the Estimates in order to carry out this system? Nothing, excepting the salary of the Inspector of Prisons; at the same time it should be understood, that the money proceeds of the labor of prisoners, or so much as might be required for such purpose, should be expended in the purchase of tools and materials for the alteration of prisons, and the residue only forwarded to the Treasury. Under such an arrangement the sum placed upon the Estimates for keeping prisoners employed might be struck out. In the present Estimate there is, I think, £3,000 for this purpose.

9. You are alluding to the Estimates at present before the House? Yes; there is £2,000 for Darlinghurst and £1,000 for Parramatta Gaol. I would appropriate the funds derived from the labor of prisoners in providing tools and materials for the alteration of the gaols, so far as those funds were required, and the balance only I would forward to the Treasury. Before leaving this subject I would direct the attention of the Committee to the circumstance that there is a sum of money in the Estimates which is anticipated as revenue from the gaols. That amount has been calculated principally, if not wholly, from what has been returned from Parramatta Gaol; a very little has been calculated upon from Darlinghurst Gaol, for in no year has Darlinghurst Gaol earned *in money* more than £400. I mention this because it might be argued that the sum placed on the Estimates to keep prisoners employed is for the purchase of tools and materials, and comes in again as revenue, under the head of returns from the gaols; when, in fact, this is only the case as regards Parramatta Gaol. I think it would be better that the items “to keep prisoners employed” should be struck out, and the balance only of the amount earned should go into the Treasury, after the purchase of tools, materials, &c.

10. Do you not think you have been led rather to regard the advantage of saving money, or of economy, than the effect upon the prisoners themselves—have you considered both parts of the question equally? As I have stated before, my first idea was to save money; but I saw at once that the only way to save money was to employ the prisoners, and I have given my reasons in the Report I have handed in why the employment of prisoners in the most profitable manner was the best mode of employing them. I found, too, that when the prisoners were fully employed they were much more easily managed than when they were not fully employed; I found that the basis of any good system of prison discipline was work.

11. To put the question in another form,—you considered that that system which was the least costly was the most consistent with a good effect upon the prisoners themselves? Yes, decidedly, and the least likely to interfere with private enterprise, and for this reason, which I have not given before: If you admit that prisoners may be employed arbitrarily, without reference to their labor being most profitably employed, you might employ them in making boots or shoes, without regard to the cost of making them, and sell them in the market for less than they could be manufactured outside; but, if you make it a part of your system that they should be employed in the most profitable way, and that the proceeds of their labor should be disposed of to the most advantage, the sale of these goods would no more interfere with the profits of private enterprise than would the importation of articles from abroad.

12. You have carried out this system at Parramatta? Yes; for more than two years.

13. And you found as a result an improvement in the prisoners and a diminution of the costs? Yes, the result has been far more satisfactory in these respects than I could have anticipated.

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14. Will you state what have been the gross and what the net proceeds per year since the system was commenced? In 1855, the gross proceeds were £807, the cost of materials £129, and the net earnings £678; but you will observe that they have gone on steadily increasing. In the first month, January, the gross earnings were £17 19s., and in the last month of the same year they were £150. The gross proceeds for 1856 were £2,102; the lowest amount earned in any month in that year was in January, £124, and the highest £350. The net proceeds of that year were £1,591, of which £951 in money was forwarded to the Treasury, and there was labor besides that was valued not included in this.

15. *By Mr. Hargrave:* How do you fix the amount of a prisoner's earnings,—do the Government receive it in money? In order to explain this clearly, I will take for example one of the occupations of the prisoners, as, for instance, stone cutting. In the first place, contracts are taken from persons wishing to have stone cut; the price usually obtained at Parramatta has been three-pence per superficial foot. The stone is brought into the yard by the contractors, the prisoners cut it, and the contractors for whom it is cut remove it; an account is kept of the number of feet cut by each prisoner, and it is paid for at the end of the month. One-third of whatever amount may be earned by any prisoner, after deducting from it any expenses, such as sharpening chisels, and so on, is placed to such prisoner's credit, and two-thirds is forwarded to the Government. Under the new arrangement I propose of giving time and money, as a maximum you would give one-fourth of that money to be placed to the prisoner's credit, and three-fourths would be forwarded to Government. Then, as another example, let us take hat making,—an account of the number of hats handed in by each prisoner is kept, and at the end of the month, when these hats are sold by auction in Sydney, after deducting the cost of cabbage-tree, thread, carriage, auctioneer's commission, and all other expenses, the net proceeds are divided in the same way as in the case of the money derived from stone cutting.

16. You still propose to give them one-fourth of the money as well as to allow them to shorten their time? Yes; if three-fourths of the money earned by a prisoner paid the whole of his expenses, I would allow him, as a maximum, one-fourth of his time, or one week in four; if only half his expenses, one week in eight, and where he only paid one-fourth, one week in sixteen.

17. *By Mr. Hay:* Do you know whether any or all of these suggestions made in that last Report have been carried out by Government? I do not think the Government have considered them; none have been carried out I know.

18. Are you aware whether the system as you left it has been followed out at Parramatta Gaol? It has—at least I can speak up to two months ago.

19. These suggestions have not been entertained by Government? They have not; or, at least, they have not been acted upon.

20. Still you consider, practically, so far as the management of the Parramatta Gaol has been concerned, it has been a great improvement upon the old system as you found it? I think it a great improvement upon the old system; the improvement in the orderly conduct of the prisoners is shewn by the punishments in the gaol having been only one-half what they were in the previous year; and the medical officer states that the health of the prisoners was better, they had not given him nearly the same trouble, and, as I have already stated, a great saving in the expense of the management of the institution has been effected.

21. All this has been accomplished merely by a change in the practical management; is there any reason why the same thing should not have been done in all the other gaols? I incurred great responsibility in doing what I did, and unless I had conceived I had been acting under the sanction of Government, and that possibly I might be the means of introducing eventually into the gaols a new system of prison discipline, and so benefit this Colony, I would not have attempted any of these improvements, and I do not think many would under similar circumstances. For instance, I undertook to call for contracts, but there is nothing which authorizes a Visiting Justice to do so; again, I placed tools in the hands of the prisoners, such as it might be said under the Act now in force I was not justified in allowing prisoners to use. Suppose any of the prisoners had in consequence effected an escape, or suppose any of the officers had been killed or injured in preventing any such attempt, the probabilities are that I should have been dismissed from my situation; fortunately for myself I was successful in all I attempted, but I might have failed.

22. But there is nothing which prevents Government authorising a Visiting Justice to do so? Nothing.

23. Then these improvements might have been carried out in any of the gaols of the Colony.—the suggestions made in your Report might have been carried out without any legislation? No; I have already stated that the suggestions contained in my Report have not been carried out, and could not be without further legislation. An Act would be necessary to authorise the carrying out of many of them. In the first place it would be necessary to have an entire new code of rules and regulations; now the present rules and regulations are those in the schedule of the Act 4th Victoria, No. 29, which I do not think the Executive Government have power to alter. Again, under the Act just referred to, the Sheriff has the sole power of appointing all officers, whereas I propose that the superior officers should be appointed by the Executive. Then under some Acts the punishment is transportation, under others imprisonment. I propose to substitute penal servitude in lieu of either, upon a certain fixed scale. Under the present law you cannot take prisoners outside the gaol walls in order to set them to work, except short sentence prisoners tried by magistrates and so sentenced. In order to insure uniformity of punishment in all gaols, it is necessary that they should be visited frequently and carefully looked after by one head, and for this purpose an Inspector should be appointed for all. The Sheriff has stated that he has not time to perform this duty. Besides all these matters it would be necessary to have some legislation, in order to carry out my suggestion to allow prisoners commutation of time if it were determined to allow this.

24. As to the commutation of time, are you positive that could not have been carried out without legislation—is there not power now in the Governor to give commutation of time under such regulations as he may think proper to institute? Yes, the Governor has power to commute sentences for some particular purpose or reason; I do not think he would do so as a rule. David Forbes,
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25. Is there anything to prevent the Governor in Council establishing such regulations as would admit of commutation of time? Perhaps not; but then one Governor might do so and another might not.

26. Then, on the whole, I presume you would be prepared to modify your statement to some extent that there was positively no system of penal discipline in the Colony at all—in what sense are we to understand that assertion? When I spoke of no system, I meant no efficient or uniform system of punishment; but suppose these improvements as far as I carried them at Parramatta were carried out by the different Visiting Justices of the gaols in the Colony, one might take a very different view of what punishment should be inflicted from another, and the consequence would be that the prisoner sentenced to receive a certain amount of imprisonment at Bathurst would have a very different punishment from the prisoner sentenced at Goulburn or Sydney. Besides, I have already stated in my Report that I was unable to carry improvement further until some alteration was made in the law. I think it would be very much better to make the alteration at once in the law which would be required for the full development of the new system.

27. You mean that there would be no uniform system of punishment? Certainly not if each gaol was under the management of its own Visiting Justice. I have suggested that the whole of the gaols should be placed under the control and management of one person appointed for that purpose, that the Warden or Gaoler of each should be appointed by the Governor, and that such Warden should have the power of appointing his subordinate officers. At present that power is vested in the Sheriff, and you cannot get rid of that without Legislative enactment; the Governor cannot appoint even a Gaoler.

28. Do you consider that to be essential to the carrying out of an improved system? It is so in the Auburn System in America, and it is so in England, and I do not think it possible to carry out any effective system in this country without you do the same thing here.

29. When you said there was no system here, you meant that there was no uniform system? I meant more than that; I meant that the system was excessively faulty. I did not mean, of course, that there was no system, but that the one in operation was faulty in almost every respect.

30. You do not mean, I imagine, that the system as carried out by you at the Parramatta Gaol was faulty in almost every respect? No; but I mean that the system in operation there before I introduced these improvements was faulty in almost every respect.

31. You have spoken of the building of gaols as necessary to the carrying out of any particular system, but do you not consider that if we were to rebuild all the gaols in the Colony upon a new system to-morrow, we should in the course of experience find great modifications still necessary? Yes, I think so.

32. Do you not think a great deal may be done to improve our system without anything more than alterations in the detail of a gaol? Yes; I have always expressed that opinion, and I think so now.

33. For instance, if the suggestions made by you last year were approved, with reference to Parramatta Gaol, a highly improved system might be carried on there? A very great improvement upon the present system, and I believe it might be brought to very nearly a perfect one.

34. You think the best way of proceeding would be to alter our present gaols so as to admit of the system being improved as far as possible, and so feel our way to the creation of gaols at a subsequent period that should be found to be best suited? I think I would build any new gaols that might be required upon the improved American system, but with regard to the old buildings, I would endeavour by inexpensive alterations to adapt them to the modified system.

35. Have you seen much of the management of Darlinghurst Gaol? Yes, a good deal.

36. Have you seen much of the management of the penal establishment at Cockatoo? Not much; I have been there occasionally, but I have derived my information chiefly as member of a Board and from having seen accounts and returns with reference to it.

37. Do you think any considerable improvement has been made in the management of this establishment of late years? I think there has been some improvement, but not very great. I think perhaps there has been more at Darlinghurst. I do not think it possible to make much improvement at Cockatoo, because the buildings are so ill adapted to the purpose. There is no possibility of classifying the prisoners there.

38. You do not think these buildings could be altered? I think not; besides, I think there will be no necessity to keep prisoners there. They might be altered for a few prisoners, but I do not think it would be worth while. They might have upper stories and single stacks of cells, but they would require more alteration than any other gaol buildings in the Colony to make them at all suitable.

39. You have spoken of the profitable employment of prisoners as being generally exactly in proportion to their beneficial employment; how would you ascertain what was the most profitable employment of a prisoner in any gaol? You would employ prisoners who were tradesmen at their own trades, if you could find remunerative occupation for them. You would call for tenders, and see who were willing to employ them, and so you would employ other prisoners in different occupations, as they suggested themselves, and you would increase the number engaged in those occupations which you found most profitable.

40. Probably many prisoners would be found to have no particular trades—with regard to these what sort of occupation would you propose, how would you ascertain the character of

David Forbes, Esq., J.P. occupation that would be most profitable for them? Generally speaking, I would give them the choice of learning any occupation carried on in the gaol.

41. Would you not be compelled to find some occupation, or simple trade, for those who had no trade—something that all could do? Yes; such as picking oakum or hair, or breaking stoues for the streets.

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42. With regard to employment of the nature you have just alluded to, I suppose the prisoners would not generally relish this kind of occupation outside the walls of the gaol, although the product of it would be very useful? I have another suggestion to make with respect to the working of prisoners. I think prison labor might be applied to the making of tramroads throughout the country. There are about 1,200 prisoners and 700 soldiers in this Colony; of the 1,200 there are about 200 females, and of the 1,000 males about 450 might be employed on the roads: 150 on the Bathurst Road, 150 on the Northern, and 150 on the Southern. A company of soldiers might be placed with each gang of prisoners, and thus their safety would be insured. I would, in order to carry out this suggestion, have a number of wooden houses constructed, capable of holding about five prisoners each, lined with galvanized iron; these should be placed on the rails, on wheels, and rolled along the tramway as the work progressed. In these houses the prisoners might be locked at night; during the day-time there should be overseers placed over the prisoners, so that they might have no communication with the military. I am perfectly certain that it would be quite possible to carry out this scheme, and that tramroads might be made south, north, and west, at a cost of about £1,200 per mile, and that in this manner prisoners, who are now uselessly locked up at Cockatoo Island, might be usefully and profitably employed.

43. You would only employ the lighter sentenced, or best behaved, men in this way? I would have regular grades at the commencement of the sentence. I would place all prisoners in separate confinement for a time; then I would work them in classes together in gaols, and then, when they had undergone a certain period of their sentences, I would work them outside the gaols, and where they conducted themselves well I would let them have the full benefit of the remission of time, in accordance with the rules. If they ran away and were re-captured, I would put them back to the commencement of their sentence, and make them serve all their time over again; that I think would effectually prevent them from running away. By such a system as that I have proposed, I think the whole of the roads of the Colony might be made, either Macadamized roads or tramways. In the more populous parts of the country I would recommend that tramways should be on one side of the Macadamized road.

44. You would not employ the more dangerous convicts on the roads? No; they would be confined within the walls of the gaol.

45. *By the Chairman:* Has it ever suggested itself to you that the prisoners themselves would regard the working on the roads, under the eye of the public, as a heavier punishment than imprisonment? I think not, for there is a dulness in looking at the walls of a gaol which there is not outside; and I think, for this reason, most of them would prefer to be at work outside the gaol walls.

46. Then you think one thing would compensate for the other? Yes; but I think feelings of that kind on the part of a prisoner ought to be respected. If a prisoner were to say, "I am ashamed to work on the roads, to be exposed to public observation," you should not force him to work in that way. The first indication of reformation on the part of a prisoner is a sense of shame, and if a prisoner, under the influence of such a feeling, were to say—"I am ashamed to go on the roads, and would rather serve my sentence in the gaol," I would let him do so.

47. *By Mr. Hay:* If you were to form these tramways it would by no means follow that they would be coincident with the lines of road now in existence? Not at all.

48. Engineering considerations must regulate that? Yes.

49. *By the Chairman:* I wish you to place in a more distinct light whether you do not consider that the Bill you have placed before the Committee is necessary to enable the Government to carry out uniformity of sentence. At present there are various sentences and various forms of punishment in force, as imprisonment with hard labor, imprisonment without hard labor, transportation, and so on; is not such a Bill as this necessary to bring all these modes of punishment under an uniform system, which would be varied in some degree by the limited discretion of the Inspector or Executive Government? What I intended was to have substituted the sentence of penal servitude in lieu of all others. In fact, to have had but one sentence. I also proposed to have the whole of the gaols under one officer, whose duty it should be to see that the sentence was strictly carried out, and that the treatment of prisoners in all the gaols was alike, so that an offender, whether dealt with at Bathurst, at Goulburn, or at Sydney, would be liable to the same degree and species of punishment.

50. *By Mr. Hay:* If I understood the Chairman's question, it was, whether you do not consider legislation necessary to the extent of Schedule B, which proscribes the exact amount of penal servitude which would be substituted for the penal sentences now passed, in order to ensure uniformity of punishment? Yes; legislation would be necessary, in order to substitute penal servitude for transportation, imprisonment, hard labor on roads and public works, and so on, where such punishments were prescribed by the several Acts of Council, because if the punishment for any particular offence were transportation, the Judge would have no power to sentence to imprisonment instead, unless a law were passed to empower him to do so, although under the present system the sentence of transportation is not carried out, but is modified by sending a prisoner to Cockatoo Island. I cannot, however, understand how it can be said that a prisoner is transported when he is merely stuck upon an island within the port. Transportation is the sending from one port to another, and you might as well put a prisoner in Darlinghurst Gaol, and call that transportation, as send him to Cockatoo. There was, I believe, a proposition to put the gaols under the management of several Visiting Justices. Under such a plan there would be no uniformity of punishment, because you would have men of different views and dispositions; one might be a hard man,

and

and severe in his notions of prison discipline, another might be easy, and another might leave the matter very much to the Gaoler; therefore you would never have any certainty what the same quantum of punishment was given to each prisoner.

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51. That leads me to the question I was about to ask, whether you are not aware that it was proposed by the former Ministry, and, for aught I know, is also proposed by this, to appoint an Inspector of Prisons? That would be absolutely necessary, unless the Sheriff could perform the duty, which he has stated he could not do in connexion with his other duties.

52. Are you not aware that it was proposed? Yes. I think such an officer would be able to carry out these plans. As to its being an expense, any man who could not commence by saving the Government £8,000 or £10,000 on the Estimates for the year would be a fool.

53. The appointment of an Inspector of Prisons, the establishment of a new set of regulations under the authority of the Governor in Council, with legislation to the extent of what is contained in Schedule B, and the accompanying clauses, might be sufficient, although not to complete a whole system, to initiate a very much improved uniform system? I think so if you will add one other alteration—I mean the appointment of officers. The Executive should appoint the officers, and not the Sheriff.

54. Are they prevented from doing so now? Yes; upon that point legislation would be required.

55. *By the Chairman:* What is your opinion as to the necessity for the expenditure of so large a sum as £69,000, as recommended in the paper of the Governor upon this subject? I think if it were determined to put into operation an effective system, such as that recommended, and in the way proposed by His Excellency, it might possibly be necessary to expend £69,000. The Governor, however, has calculated that there should be no remission of sentence, and that would at once increase the number of prisoners by a large amount. Now it surely could not be intended that those prisoners who had been sentenced to Cockatoo Island, under the existing regulations, entitling them to a remission of two-thirds of their respective sentences, should be deprived at once of that privilege. I think men sentenced under the rules and regulations in existence at the time they were sentenced should be discharged under them. If that were the case, I do not think there would be any very material increase in the number of prisoners until after the first two years, so that at all events this £69,000 would not be required to be expended immediately, and during the two years a great many of the proposed alterations might be effected by the prisoners themselves, and would therefore cost the country nothing. My proposition has always been that some few of the prisoners should be selected to perform improvements or alterations in the gaol,—that all the rest should be employed in the most profitable way upon other kinds of work, and that the proceeds of the labor of these last should be expended in the purchase of tools and materials for the prisoners employed in the alteration and improvement of the building.

56. *By Mr. Hay:* The expense of gaol accommodation would be very much lessened if your suggestion of employing prisoners in making tramways were adopted? Yes, very much lessened; and if at any future time further gaol accommodation were wanted, it would not be necessary to erect such expensive buildings as the gaols now in use. A house of correction might be built for the reception of vagrants and drunkards. Prisoners of that class might be kept anywhere without danger of their running away. Men who have neither the will nor the power to escape—unfortunate creatures who have not the means of supporting themselves, and who might be kept in by a paling fence—are now put into a gaol with bars and stone walls that would securely confine a Jack Sheppard. I have one remark to make before concluding my evidence, and it is this:—Perhaps it might be thought that I had been remiss in performing my duty as Visiting Magistrate at Darlinghurst, because I had not attempted to carry out the same improvements there that I had at Parramatta, and therefore I wish to explain how this has happened. I was told when I came to Sydney that my duties would not be the same as they had been at Parramatta; that I should only be required at the gaol when sent for to perform magisterial duty, and that I should have nothing to do with the prisoners' work. I spoke to Mr. Parker on the subject, and asked him how far I was to consider myself responsible. He said that if in my visits to the gaol I saw anything wrong, or I could suggest any improvement, I was to report it to the Government. On the occasion of my second visit to Darlinghurst Gaol I found that some of the prisoners who were receiving hard-labor rations were doing nothing, which I knew was directly contrary to the Government order. I wrote a long letter to the Government, pointing this out, shewing that £500 a year was being wasted in this way, and making such suggestions, with reference to Darlinghurst, as appeared to me to be proper. To that letter I never received a reply, or even an acknowledgment that it had been received. I have not, therefore, taken any further trouble about the matter. I have gone when I have been sent for, and shall continue to do so until I get further instructions.

APPENDIX A.

SECOND ANNUAL REPORT of the VISITING JUSTICE OF THE GAOL AT PARRAMATTA, describing the present state of that Establishment, and suggesting measures of economy and improvement with regard to its future management.

IN my first Report I described the plan on which the Parramatta Gaol was constructed, the manner of working the prisoners, the mode of procuring work, as well as such matters of detail connected with the management of the institution, and other statistical information, as I deemed it necessary the Government should be made acquainted with, in order that a comparison might be drawn between the old system and the American Auburn or Silent System of prison discipline, which I have been endeavouring to introduce up to the present time experimentally.

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experimentally. I say experimentally, because I have adhered throughout to my original purpose of pushing the system as far as I could with the materials at hand, leaving it to experience to determine what alterations were necessary. I think the time has now arrived when further improvement will be impossible until some alterations have been made in the buildings, the rules and regulations, and the laws regulating gaols generally in this Colony. I propose, therefore, in my present Report, to suggest such measures of economy and improvement in the management of this gaol as appear to me to be more immediately required.

Buildings.

I have already described the gaol at Parramatta as built (like those in America prior to the introduction of the Auburn System) after the old fashioned plan of wings radiating from a centre, with cells capable of holding two or three prisoners, and small confined yards between the wings. I would recommend then that the whole of these double cells be divided into single cells, so that each prisoner could be confined in a separate cell. This I consider absolutely necessary before any perfect system of discipline can be enforced. The alteration here suggested might easily be made, as each of the cells contains two windows, and the partitions and doors only would be required. I would further recommend that a large yard be built for the stonecutters, opposite where the hospital stands, in which two sheds should be erected to protect the prisoners while at work from the sun and rain; and, further, that a shed should be erected in the yard where the stonecutters now work, for the accommodation of the hatmakers, shoemakers, and other indoor laborers, so constructed that one turnkey might watch the whole. There should also be a stove or fireplace in this for the purpose of heating the irons. There is at present no bath-room, and I would recommend that a suitable one be built; also, a shed in connexion with the cook-house. The space between the gates at the entrance to the gaol is too confined to admit a cart to pass through without opening both gates at the same time; this requires attention, because the advantage of two gates as they are now fixed is quite lost. These alterations and additions would be sufficient for the present, and the work could be performed by some of the prisoners selected for that purpose, the remainder of them continuing to be employed as at present; thus the only expense to be incurred would be for the purchase of tools and materials. I am aware that no sum of money has been placed on the Estimates for 1857 for such purpose, but I would point out that the cost of the tools and materials required by the prisoners employed in altering the gaol might be paid out of the proceeds of the labor of prisoners otherwise employed.

Officers.

With the exception of the appointment of one additional turnkey, no alteration has been made either in the number, duties, or salaries of the officers attached to the gaol. And here I would remark, that the introduction of the new system, as it is called, has very much increased both the duties and responsibilities of the officers. I think, therefore, that some corresponding increase should be made to their salaries. I think, too, the officers should be appointed for particular services, some as guards, others as watchmen at night, overseers, or superintendents of work, instead of, as at present, all being appointed turnkeys. A man may be a very excellent night watchman or gatekeeper and a very inefficient overseer. I think that more responsibility should be thrown on the Gaoler, and that his powers should be increased; he should appoint all the officers subordinate to the principal turnkey; he should be accountable for all receipts and disbursements of public money connected with the gaol accounts; and for all contracts for work performed by the prisoners.

Prisoners.

The number of prisoners in Parramatta Gaol on 1st January, 1856, was 245, of whom 185 were males and 60 were females; and on 31st December, 1856, the number was 236, of whom 188 were males and 47 females; and the average number of prisoners throughout the year was 249, or 195 males and 54 females. The annexed Return, Appendix No. 1, shows at the end of each month throughout the year the number of officers resident and non-resident attached to the gaol; the amounts of salaries actually paid them; the total number of prisoners; the cost of provisions, fuel, light, and clothing; and the total actual expense of provisions, clothing, and management. In Appendix No. 2 will be found a similar monthly return of the number of male prisoners, distinguishing between those who were employed and those who were idle; the amount paid for tools and materials; the proportion held for the prisoners; the proportion reimbursed to the Government; and the total amounts collected and forwarded to the Treasury. Appendix No. 3 contains a similar Return of the female prisoners. The number of prisoners received during the year has been 605, namely, 410 males and 195 females; and discharged 639, namely, 431 males and 208 females; of these discharged 8 males and 2 females received mitigation of sentence, the remainder either served the full period of sentence, or were removed to other gaols, except 7, namely, 5 males and 2 females, who died in the prison.

In the month of October last, in compliance with some suggestions I had made, I received instructions from the Government to allow the prisoners only one-third of their net earnings in lieu of one-half, which they had previously received; the ration, too, about the same time was altered, one quarter of a pound of maize meal being taken off as an equivalent for half a pound of vegetables, allowed at the request of the medical superintendent. These alterations caused some dissatisfaction among the prisoners for a short time, which I think has now worn off, and I have lately made a slight change in the mode of appropriating the portion allowed to the prisoners. Formerly half the portion allowed was deducted from each, and a common fund formed, out of which tea and sugar was purchased and *equally divided* among all the prisoners who labored. Under the present arrangement each prisoner receives the full benefit of the proportion of his earnings allowed, the balance being carried to his credit after deducting the price of the tea and sugar *actually served* to him. Appendix No. 4 is a blank form, showing the manner of keeping these accounts. I think it would be a greater inducement to prisoners to labor hard if they received some payment *in time* and less payment in money, as suggested in the Report of the Board appointed by His Excellency to report on prison discipline, which Report I had the honor of drawing up. There are, I believe, some persons who object to this, but I cannot think reasonably, because surely a prisoner who works hard, and who partly, if not wholly, maintains himself, and who has conducted

conducted himself in an orderly and quiet manner, deserves more consideration than one who neglects his work, and whose conduct has been disorderly and bad. In this opinion I am borne out by Mr. Hill (*vide* Hill on Crime, page 150,) who says,—“ Whether, therefore, “ we try to suppress crime by the mere infliction of punishment according to the number “ and magnitude of the offences committed, taking into account *all* offences whether followed “ by detection or not, or whether we try to stop crime by curing the criminal, or, where “ complete cure is impossible, by improving him to the greatest possible extent, the natural “ and self-regulating punishments which God has instituted and pointed out appear to be “ the best and most accurately adapted for securing that the amount of punishment shall be “ in proportion to the offence committed. . BUT *who is to determine the fact of cure, and who “ the precise means by which a cure is to be effected?* I would submit that those only are “ fully qualified to do this who are entrusted with the charge of the offender, who have time “ to study his character, to watch the effect of the different influences brought to bear upon “ him in the formation of new habits, and who have *opportunities of generally relaxing the “ system of discipline, and of trying the new powers of their moral patient to resist those “ temptations to which he would be exposed on his return to society.*”

David Forbes,
Esq., J.P.

16 Dec., 1857.

“ No one thinks of sending a madman to a lunatic asylum for a *certain* number of “ days, weeks, or months. We content ourselves with carefully ascertaining that he is unfit “ to be at large, and that those in whose hands we are about to place him act under due “ inspection, and have the knowledge and skill which afford the best hope for his cure; that “ they will be kind to him and inflict no more pain than is necessary for his secure custody “ and the removal of his malady, and we leave it to them to determine when he can safely “ be liberated. It is true that great as have been the improvements of late years in lunatic “ asylums generally, and admirably as some of them are now conducted, there are still many “ and great abuses. But, however much these abuses may be condemned, no one for a “ moment suggests, as a consequence of their existence, that madmen should henceforth be “ subjected only to *specified periods* of confinement. Instead of this the public demands, “ and rightly demands, that a *more efficient* SYSTEM OF INSPECTION should be established, “ and that the governor and managers of lunatic asylums should be held to a stricter “ responsibility.”

“ Perhaps it may ultimately be found, by cautious experiment, that a somewhat “ similar process may be safe and expedient in the treatment of criminals; and that while it “ is still left to the Courts of Justice to determine on the guilt or innocence of the accused, “ and on the necessity of their withdrawal from society, it may be assigned to those entrusted “ more or less directly with the reformatory treatment to determine the time of release, “ subject, however, to a most competent, well-appointed, and responsible supervision and “ control.”

I will quote the same author with reference to another matter which I have already urged upon the attention of the Government, and which I consider of the greatest importance—that of providing a separate prison for female offenders. On this subject Mr. Hill remarks:—“ In cases where, as in prisons, all intercourse between the two sexes is to be prohibited, it seems the easiest and most natural way to have the prisoners in distinct “ buildings at a distance from each other. When this is not done, it is frequently necessary “ to impede light and ventilation by half closing windows, and to put doors across passages “ which would otherwise be open, and after all the object is frequently not attained, &c.” “ Again, there is a difficulty in prisons where there are inmates of both sexes, in “ apportioning the responsibility of the governor and matron. A woman is at least as able “ to govern female prisoners as a man, and it is desirable that a female should have the “ entire charge of the female prisoners and the whole responsibility concerning them. “ But this cannot be in a prison occupied both by males and females without having two “ separate and independent authorities in the same building, which is contrary to all sound “ principles of management. In such cases, therefore, the matron is made subordinate to the “ governor, and the governor is consequently rendered responsible for a number of matters of “ which he can know but little, and the influence of the matron is impaired by her not “ possessing full authority, either over her subordinate officers or over the prisoners.”

On referring to Appendix No. 1, it will be seen that the total actual cost of Parramatta Gaol for the year 1856 was £5,746 16s. 7d., of which £1,871 17s. 1d. was for salaries, and £3,150 5s. 10d. for other things. Now, the estimated cost voted by the Legislative Council for the year was £6,822 8s. 8d., of which £1,882 8s. 8d. was for salaries, and £4,940 for other things. I find, too, that the number of prisoners was estimated at 250, but it will be seen that the actual average number was 249, or one less, hence it follows that this establishment has been managed at a cost £1,075 12s. 1d. less than the estimated cost.

Cost of the
Gaol.

It will be seen from Appendix No. 2 that the sum of £951 17s. was reimbursed to the Government out of the earnings of the prisoners, after deducting the cost of tools and materials, and the amount allowed to the prisoners, which sum would have been increased by £159 13s. if they had been allowed one-third instead of one-half their net earnings. It will also be seen that the average number of male prisoners employed was 160, but of this number there were generally 12 engaged in scraping rubbish away in the stone yard, in consequence of its being too confined to allow the stonemasons to work, 4 in draining water, and 8 as wardsmen or cleaners of the prison, besides 10 others engaged in cooking, cutting wood, and other services, making a total of 32, so that out of the 160 not more than 128 were producing anything, and these reimbursed to the Government £951 17s. in the year, or about £7 10s. per head.

This result so far I consider satisfactory, and I have every reason to believe if greater inducements to labor were held out to the prisoners, such as I have suggested—if the working yards were enlarged, and sheds erected in them, and if greater vigilance and care were

David Forbes, exercised by the officers holding subordinate situations in the gaol—the prisoners earnings would be doubled. As it is, however, I think the gaol at Parramatta will bear favorable comparison with any other similar establishment in the Colony. The cost of the gaol has been £1,075 less than the estimate, and the actual money return has been £951, besides £72 value of work performed by female prisoners; these sums together amount to £2,098, reducing the actual cost of 249 prisoners to £4,723, or a trifle less than £19 per head.

Esq., J.P.
16 Dec., 1857.

Work.

On 31st December last, there were 188 male and 47 female prisoners in the gaol. Of the male prisoners, 163 were employed as follows:—hatmakers 73, stonecutters 56, shoemakers 7, carpenters 3, blacksmiths 4, wardsmen 8, crooks 2, barbers 2, woodcutters 4, water drawers 4, and 25 were unemployed. Of the female prisoners, 41 were employed as follows:—needlewomen 36, washerwomen 2, wardswomen and cleaners 3, and 6 were unemployed.

About the month of July last some of the tradesmen in Parramatta, imagining that prisoners' labor was brought into unfair competition with free labor, petitioned the Government to put a stop to prison labor. The petition was numerously signed, and was referred to a Board appointed to inquire into and report upon the subject. Among other things, it was complained by the stonemasons that the price charged for stone cutting, namely, three-pence per superficial foot, was too low, and that if tenders were called for, at least double that price would be offered; this was stated by all those witnesses examined by the Board who had signed the petition. In consequence of this, tenders were called for, the Board having recommended it, but the result proved that three-pence per superficial foot was the highest price which could be obtained in Parramatta, no person having offered to give more. After all, the only real cause of complaint appeared to be that some of the male prisoners who were tailors by trade had been allowed to make clothes to order for persons residing in the town, for which the price charged at the gaol was somewhat less than usually asked by the trade, in consequence of which this branch of work has since been discontinued.

Parramatta being a small town and the gaol a large establishment, I have found considerable difficulty in procuring work sufficient in the neighbourhood to keep the prisoners fully occupied. I have, therefore, been compelled to employ them in the manufacture of articles suitable for the market, which I have caused to be sold by auction in Sydney. Of these the manufacture of cabbagatree hats has proved the most profitable; and as I am aware that some persons object to such employment, contending that it is not hard labor, I shall endeavour to combat the argument at once, because my own opinion is that the best mode of employing prisoners is that in which their labor can be made most productive, and that, as a rule, the more profitably you can employ them the less likely you are to interfere with private enterprise. If we leave profit out of consideration in the choice of employment, the only guide we can have is to select that which is most likely to have a salutary effect upon the prisoner as a means of reforming his bad habits. Now, if we find any man outside the gaol turning his labor to the best account, and working hard, we say he is an industrious person and a useful member of society—such men hardly ever get into gaol; if, then, our object be to treat prisoners in gaol to practice that which they ought to do when they leave the gaol, we ought to turn their labor to the most profitable account. Bad habits proceed from the mind and not from the body, the mind, therefore, is that which has to be worked upon; to prisoners, generally, the greatest punishment you can inflict is to keep them in perfect idleness—any kind of employment is preferable to this. I do not mean to say that there are no exceptions to this rule; but in nineteen cases out of twenty the rule will hold good; and it is well known that solitary confinement without occupation frequently results in madness, from which we must infer that there must be other and more immediate ways of affecting the mind than by exercising the body in hard and fatiguing labor. It is a mistake to imagine that the measure of punishment is to be reckoned by the number of drops of perspiration which you can get out of a prisoner's skin during the period of incarceration. The punishment of a prisoner should consist in the separate confinement, the coarse fare, the early hours, and the monotony of the life. The prisoner should constantly be made to feel that if he conducts himself in an orderly and respectful manner he will be treated with kindness, and obtain such indulgence as may be allowed, but that certain and immediate punishment awaits him if he is guilty of the slightest breach of the prison rules, or the least attempt at insubordination. This it is which ought to form the punishment, and makes gaol terrible, and not the particular kind of occupation in which the prisoner may be engaged.

If this be admitted, and the object be to turn the labor of prisoners to the most profitable account, it follows that the gaol should be situated as near as possible to the best market for the labor.

I think, on this account, the principal gaol should always be at Sydney, and that those in the country districts should be used merely for local purposes. It is often impossible to bring the work to the prisoners, and therefore some person ought to have the power of bringing the prisoners to the work, by removing them from one gaol to another whenever the locality afforded a better field for their labor.

The Accounts.

I have had considerable difficulty in getting the gaol accounts kept properly, in consequence of the several clerks who have from time to time been appointed not being good accountants. The present salary of the clerk is too small to ensure the services of a really efficient officer; and I know nothing more calculated to throw the gaol into confusion than the neglect of this branch of the duty. If the prisoners are to receive a portion of their earnings, it is necessary for their several accounts to be correctly kept, otherwise a spirit of discontent arises among them, which exhibits itself in disinclination to work, sullenness of demeanour, and insubordination.

General Remarks.

The drainage of the gaol is bad, and requires alteration. I have caused a large hole to be dug at the back of the gaol walls, on a sandy piece of ground, into which, at present, the drainage flows, and after a time forms into manure, when it can be removed; but this I consider to be only a temporary makeshift arrangement. I mentioned in my last Report that there was no proper accommodation for the prisoners to wash their clothes. I have caused some tubs to be made by the prisoners to supply this want, and have charged the cost of purchasing

purchasing the casks, out of which they were made, to the account of tools and materials. The supply of water in the gaol is insufficient, and in dry weather when the tank is empty, which very frequently happens, the water is supplied in casks, which is a great drawback to cleanliness. It will be a great advantage when the water is conducted into the gaol by pipes from the lately erected dam in Hunt's Creek.

David Forbes,
Esq., J.P.
16 Dec., 1857.

Up to the present time I have been enabled, by holding out to the subordinate officers the expectation that the additional work entailed upon them by the new system which I have introduced would result in their receiving some additional pay, or some recognition on the part of the Government of their services. Such, however, not having been the case, I cannot help observing that a spirit of dissatisfaction has arisen among them. They are no longer willing to give me that ready assistance in carrying out such measures as I consider necessary, which at first they so readily afforded. They seem to consider that I have deceived them; that I have brought upon them great addition of work, without any corresponding advantage; and I believe that most of them would rather that things went wrong than assist in putting them right. That the system has been productive of good there can be little doubt. Many of the prisoners have learned trades in the gaol and followed them successfully when discharged. Some of the stonecutters who so learned the art have been employed by persons in Parramatta after liberation at three pounds per week wages; and I may instance two prisoners who were tailors by trade, who set themselves upon in business with the money they earned in prison, and who are now, I believe, as well conducted and orderly as any other tradesman in the town. It remains, then, for the Government to determine whether they will sanction the new system or not.

Parramatta Gaol,

1st January, 1857.

No. 1.

RETURN, shewing, at the end of each month throughout the year 1856, the number of Officers, resident and non-resident, attached to Parramatta Gaol; the amount of the Salaries actually paid them; the total number of Prisoners in the Gaol; the cost of Provisions, Fuel, Light, &c., as paid the Contractor; the cost of Clothing, Blankets, supplied by the Colonial Storekeeper; and the total expense of Provisions, Clothing, and Management.

1856.	Number of Officers.	Salaries.			Number of Prisoners.	Provisions, Fuel, and Light.			Clothing, Bedding, and Stores.			TOTAL.		
		£	s.	d.		£	s.	d.	£	s.	d.	£	s.	d.
January	19	154	6	0	244	312	2	2	60	7	9	526	15	11
February	19	146	4	3	256	290	8	9	60	7	10	497	0	10
March	20	157	9	0	255	333	6	8	60	7	10	551	3	6
April	20	154	15	6	262	233	2	3	60	7	9	448	5	6
May	20	158	19	2	241	222	17	1	60	7	10	442	4	1
June	20	154	15	6	267	220	13	9	60	7	10	435	16	1
July	20	158	19	2	273	280	9	5	60	7	9	499	16	4
August	20	158	19	2	238	279	13	4	60	7	10	499	0	4
September	20	154	15	6	226	243	7	10	60	7	10	458	11	2
October	20	158	19	2	229	258	4	7	60	7	9	477	11	6
November	20	154	15	6	260	243	0	6	60	7	10	458	3	10
December	20	158	19	2	236	232	19	6	60	7	10	452	6	6
TOTALS	.....	1,871	17	1	Average No. 249	3,150	5	10	724	13	8	5,746	16	7

NOTE.—The non-resident Officers are the Surgeon, the Dispenser, the Chaplain—(Church of England), and the Chaplain—(Church of Rome). I have not included the Visiting Justice, as no salary is allowed to that Officer.

No. 2.

RETURN, shewing, at the end of each month throughout the year 1856 the number of Male Prisoners in Parramatta Gaol; the number who were at Work and who were Idle; the amount paid for Tools and Materials; the proportion held for the Prisoners; the proportion reimbursed to the Government; and the total amounts collected for work performed and forwarded to the Treasury.

1856.	MALE PRISONERS.			Paid for Tools and Materials.	Held for the Prisoners.	Reimbursed to Government.	Gross Earnings of Prisoners.
	Work.	Idle.	Total.				
January	153	35	188	£ 44 15 10	£ 63 18 7	£ 63 18 7	£ 171 19 0
February	166	31	197	46 3 7	58 16 7½	58 16 7½	163 16 10
March	160	39	199	43 7 9	40 12 4½	40 12 4½	124 12 6
April	166	42	208	47 12 2	44 19 7	44 19 7	137 11 4
May	164	28	192	30 0 3	52 10 2	52 10 2	135 0 7
June	174	33	207	36 13 1	54 11 11½	54 11 11½	145 17 0
July	179	39	218	42 2 1½	79 14 5½	79 14 5½	201 11 1
August	156	32	188	36 10 6	83 16 8	83 16 8	204 3 6
September	135	39	174	47 10 11	47 7 11½	94 16 10¾	189 14 10
October	145	35	180	51 6 10	49 10 6	148 10 3 100 14 10½	350 2 5½
November	165	33	208	43 9 8	33 16 9	68 13 0	145 19 6
December	163	25	188	40 8 9	30 1 2½	60 2 7	130 14 9½
TOTALS	Average 160	.....	2347	510 1 5½	610 4 10	951 17 0½	2,102 3 4

NOTE.—Half the amounts in the column "Held for the Prisoners" is expended in the purchase of tea and sugar, which is divided among them equally. The articles manufactured are sold by public auction, at Sydney, except the stone, which is carted in rough and carted out, 3d. per foot being paid for cutting.

David Forbes,
Esq., J.P.

No. 3.

16 Dec., 1857.

RETURN, shewing, at the end of each month throughout the year 1856, the number of Female Prisoners in Parramatta Gaol; the number at Work and Idle; the amount paid for Work done for Private Families; the probable value of Work done for Government, for which no payment was made; the amount expended for Indulgences (*i. e.* Tea and Sugar); and the estimated total value of the Work performed.

1856.	FEMALE PRISONERS.			Paid for work for Private Persons.	Value of work for Government.	Expended in Tea and Sugar, for Prisoners.	Total Value of Female Prisoners' labor.
	Work.	Idle.	Total.				
January	45	11	56	£ s. d. 5 12 8	£ s. d. 2 15 6	£ s. d. 4 0 0	£ s. d. 8 8 2
February	50	9	59	9 0 8	3 10 0	3 17 6	12 10 8
March	49	7	56	2 2 6	2 5 6	3 19 0	4 8 0
April	45	9	54	1 2 0	15 0 8	3 13 0	16 2 8
May	40	8	48	2 8 6	2 0 6	3 10 0	4 9 0
June	59	11	60	2 3 6	8 19 0	3 15 0	11 2 6
July	50	5	55	1 19 0	5 9 6	3 18 6	7 8 6
August	44	6	50	3 19 0	4 6 0	3 9 0	7 19 0
September	46	6	52	1 13 11	4 12 0	3 7 6	6 5 11
October	43	9	52	1 10 0	5 7 0	2 16 0	6 17 0
November	44	8	52	1 8 9	10 7 0	2 13 2	11 15 9
December	41	6	47	5 13 5	7 13 6½	4 9 0	13 7 1½
TOTALS					72 6 2½		110 14 3½

NOTE.—The whole of the work is needlework; that portion of it done for the Government is for the Lunatic Asylums, Orphan Schools, and other Government Establishments.

1858.

Legislative Assembly.
NEW SOUTH WALES.

WILLIAM BIRD EVANS.
 (LIBERATION OF.)

Ordered by the Legislative Assembly to be Printed, 13 May, 1858.

W. DENISON,
Governor General.

Message No. 5.

With reference to the Address of the Legislative Assembly of the 16th ultimo, the Governor General feels assured that it is not necessary to remind the Assembly that the power of pardoning offences is inseparably incident to the Crown, as a personal trust and Prerogative in the Sovereign, for a fountain of grace and bounty to Her subjects.

The Governor General is also persuaded that the Legislative Assembly is as little disposed as himself to permit that Prerogative to be in any way encroached on.

In order therefore that his assent to the Address above alluded to, praying "that all the papers connected with the liberation of William Bird Evans, may be laid on the Table of the House," may not, contrary to the wishes of the Assembly, involve such an encroachment on the Prerogative; The Governor General requests that, before complying with it, he may be favored with a statement of the objects for which the information contained in these papers is to be made available.

Government House,
Sydney, 13 May, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

WILLIAM BIRD EVANS.

(CORRESPONDENCE RELATIVE TO LIBERATION OF.)

Ordered by the Legislative Assembly to be Printed, 30 June, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 21 May, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ Copies of all Memorials addressed to the Governor General—
 “ also of all Affidavits and Declarations—also, of all Corres-
 “ pondence between His Excellency or the Executive Govern-
 “ ment and Mr. Justice Dickinson, or any other persons—also,
 “ of all Reports made by His Honor to the Executive Govern-
 “ ment—in reference to the liberation of William Bird Evans,
 “ convicted of embezzlement at the Goulburn Assizes in March
 “ or April last year.”—(*Mr. Forster.*)

SCHEDULE.

NO.	PAGE.
1. Mr. Joseph Thompson, junr., to His Excellency the Governor General, calling attention to the report of the trial for embezzlement, at the Goulburn Assizes, of W. B. Evans, and representing that he was in partnership with the prosecutor, Mr. Mate. 6 April, 1857 ..	3
2. Under Secretary to Mr. Thompson, in reply. 9 April, 1857	4
3. Under Secretary to Mr. Justice Dickinson, enclosing the letter of Mr. Thompson for His Honor's report. 9 April, 1857	5
4. Under Secretary to the Sheriff, to detain Evans in the Darlinghurst Gaol. 14 April, 1857 ..	5
5. Mr. Justice Dickinson to the Colonial Secretary, in reply to No. 3. 20 April, 1857	5
6. Under Secretary to Mr. Thompson, apprising him that the sentence on Evans must be carried out. 24 April, 1857	5
7. Mr. Joseph Thompson, junr., and others, to the Colonial Secretary, requesting that Evans may be detained in gaol, pending the decision on a point of law in his case. 27 April, 1857 ..	6
8. Under Secretary to Mr. Thompson and others, in reply. 4 May, 1857	6
9. Mr. Henry Lord to the Colonial Secretary, forwarding a Petition from the Inhabitants of Goulburn, in favor of Evans. 27 April, 1857	6
10. Under Secretary to Mr. Lord, in reply. 12 May, 1857.	7
11. Mr. Thompson, respecting the detention of Evans in gaol. 6 May, 1857	7
12. Under Secretary to Mr. Thompson, in reply. 12 May, 1857	8
13. Under Secretary to Sheriff, authorising the further detention of Evans in gaol. 12 May, 1857	8
14. Mr. Thompson to the Colonial Secretary, in continuation. 3 June, 1857	8
15. Under Secretary to Mr. Thompson, in continuation. 6 June, 1857	9
16. Under Secretary to the Sheriff, ditto ditto. 6 June, 1857	9
17. Mr. G. S. Yarnton to the Colonial Secretary, forwarding three Petitions in favor of Evans. 15 July, 1857	9
18. Under Secretary to Mr. Yarnton, in reply. 20 July, 1857.. .. .	11
19. Under Secretary to Mr. Justice Dickinson, referring the Petitions to His Honor. 20 July, 1857	11
20. Mr. Justice Dickinson to the Colonial Secretary, in reply. 22 July, 1857	12
21. Mr. Yarnton to the Colonial Secretary, forwarding a Petition from Evans, accompanied by various documents, and praying a Pardon. 22 July, 1857	12
22. Under Secretary to Mr. Justice Dickinson, referring the Petition to His Honor. 27 July, 1857	25
23. Under Secretary to Mr. Yarnton, informing him. 27 July, 1857.. .. .	25
24. Mr. Justice Dickinson to the Colonial Secretary, in reply. 30 July, 1857	25
25. Under Secretary to the Sheriff, in continuation. 6 August, 1857	26
26. Under Secretary to Mr. Yarnton, in reply to No. 21. 7 August, 1857	27
27. Mr. Yarnton to the Colonial Secretary, forwarding a further Petition and documents in favor of Evans. 28 August, 1857.	27
28. Under Secretary to Mr. Justice Dickinson, referring the papers to His Honor. 5 September, 1857	35
29. Under Secretary to Mr. Yarnton, informing him. 5 September, 1857	35
30. Mr. Yarnton to Colonial Secretary, forwarding affidavits in connexion with former documents. 4 September, 1857	35
31. Mr. Justice Dickinson to the Colonial Secretary, in continuation. 7 September, 1857	38
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WILLIAM BIRD EVANS.

No. 1.

MR. JOSEPH THOMPSON, JUNR., to HIS EXCELLENCY THE GOVERNOR GENERAL.

109, *Pitt-street,*

Sydney, 6 April, 1857.

TO HIS EXCELLENCY THE GOVERNOR GENERAL.

I take the liberty of calling your Excellency's attention to the report of a trial for embezzlement at the late Goulburn Assizes, against W. B. Evans, in which it appears that his Honor the Judge was under the impression that the prisoner had been since 1850 acting as salaried clerk, whereas I am in a position to prove that a deed of partnership was entered into in 1850 between the prisoner and T. H. Mate, whose moneys said prisoner was accused of embezzling; and I have every reason to believe that the said partnership existed for a period of five years, and that the prisoner, so far from being in receipt of a salary of £1,000 a-year during that period, was, at the conclusion of the term, assured by Mr. Mate that the concern was insolvent.

I have known the prisoner for the last fourteen years, and have had every reason during that period to think highly of him, and firmly believe him to be innocent of the charge brought against him, and that the discrepancies in the accounts have arisen from his want of knowledge in matters of finance.

Under these circumstances, I have been induced to bring the matter before the notice of your Excellency, and herewith enclose Messrs. Norton, Son, & Barker's draft of the deed of partnership.

I have, &c.,

JOS. THOMPSON, JUNR.

[Enclosure in No. 1.]

MEMORANDUM of an Agreement entered into, the day of February, 1850, between Thomas Hodges Mate, of Tarcutta, Murrumbidgee, in the Colony of New South Wales, Storekeeper and General Dealer, and William Bird Evans, of Yass, in the said Colony, Gentleman, as follows:

Whereas the said T. H. Mate is about to open a general store for the sale of goods and merchandize, in the Township of Albury, situated on the Hume River, in the said Colony, to be carried on under the firm or style of "T. H. Mate & Co.," and the said W. B. Evans has agreed to manage the business to be carried on in the said store, under and subject to the control and instructions of the said T. H. Mate, for the term of three years, to be computed from the 1st day of April next, for the consideration or reward and on the terms and conditions hereinafter mentioned, that is to say:—

1. That the said T. H. Mate shall provide a proper house or place of business in the Town of Albury aforesaid, for the purpose of carrying on the business to be conducted and managed under this agreement, and shall put the said W. B. Evans in the charge and actual possession thereof, and shall, immediately after the said 1st day of April next, deliver into the care and custody of the said W. B. Evans goods and merchandize of such character and description as shall be thought suitable for the market at Albury, of the price or value in the wholesale market of the sum of £1,250 sterling, and shall at all times during the continuance of this agreement keep the said W. B. Evans supplied with the goods and merchandize of the character and description aforesaid, to the like value or amount; and if the business to be carried on at the said house or place of business shall require the same, he shall from time to time increase and keep up the stock of goods and merchandize to be kept therein, to any amount or value not exceeding the sum of £4,000 at any one time.

That the said W. B. Evans shall and will, at all times, during the continuance of this agreement, receive and take charge of all such goods and merchandize as the said T. H. Mate shall provide and forward, or consign to the said house of business at Albury; and cause a true and correct entry or invoice, and particulars thereof, to be made and kept in proper books to be provided for that purpose; and will, at all times, use his best exertions to sell and dispose of the same, and to convert the same into money, at the best price that can be obtained for the same, and that for ready money, or at such credit, and on such security, as the said T. H. Mate shall from time to time direct or sanction; and in case the said T. H. Mate shall direct or sanction the same, then that he, the said W. B. Evans, shall purchase other goods with the proceeds thereof, or dispose of the same as and by way of barter
for

for other goods, at such rate or price as he, the said T. H. Mate, shall sanction; and, further, that he, the said W. B. Evans, will make all such sales and purchases, and transact all the business to be carried on as appointed, in the name and for and on the account of the said T. H. Mate, in the name of the firm before mentioned; and, also, that he, the said W. B. Evans, will, at all times, make in his books to be kept for that purpose true and correct entries and statements of all sales and purchases to be made by him, and make and keep true and correct entries and accounts of all dealings and transactions, matters and things, to be done and performed by him under this agreement, and post, keep, balance, and settle all such journals, ledgers, cash books, invoices, and other books as are or ought to be kept in business of the like nature, and such books and statements at all times place before, submit, and deliver or produce to the said T. H. Mate, and such person or persons as he shall from time to time depute and appoint for his or their examination, information, and approval, and do and shall produce to and deliver up, to the said T. H. Mate, all goods, notes, accounts, effects, and things which he the said W. B. Evans shall, from time to time, have in his possession, with all proper accounts and explanations which shall be necessary to show the state and condition of the same, when and so often as the said T. H. Mate shall require, and that he, the said W. B. Evans will, from time to time, as the same shall be necessary, advise the said T. H. Mate of all sales made by him, and of all goods which shall be required to enable him to carry on the said business; and further that he, the said W. B. Evans, shall not during the continuance of this agreement, enter into, carry on, or be engaged in any business, trade, or dealings whatever, except such as shall be carried on for and on account, and in the name of the said T. H. Mate under the said agreement, nor sell any goods or merchandize, nor contract any debts, nor give or sign any promissory notes, Bills of Exchange, or other security, except for the private use of his family, and on his or their domestic account. And it is hereby agreed by and between the said parties, that all goods and merchandize to be provided by the said T. H. Mate, for the said place of business, shall be debited to the said concern at the price which he shall actually pay for the same, until such such supply of goods in hand shall exceed the sum of £1,250, and that in case the goods on hand shall at any time and so often as the same shall exceed the said sum of £1,250, then that the said T. H. Mate shall debit the said concern with a further sum of £6 per centum per annum on the principal.

And which £6 per cent. shall be repaid to the said T. H. Mate, in addition to the price which he shall pay for the same. And it is further agreed, that the rent of the said place of business, the carriage of all goods and merchandize, the wages of all clerks and servants, the housekeeping expenses, and board of the said W. B. Evans—and all other expenses which shall be incidental to the conduct and management of the said business, shall be charged and placed against the profits to arise from the said business, and that in the computation of the rent, the said T. H. Mate shall be allowed £10 per centum on the money to be expended by him in the purchase and building of premises, in case he shall provide the same, and that after deducting the cost price, an allowance to be paid to the said T. H. Mate for the purchase of goods as aforesaid; and the charge for or by way of rent for the premises to be provided by him, and paying the same to him—the clear net profits to arise from the business to be carried on as aforesaid shall be divided between the said parties hereto, and paid to them in equal moieties, share and share alike.

And it is further agreed by the said parties, that the business of the said concern shall be balanced once every year during the continuance of the said term, viz., three years, when the stock shall be taken, in order to ascertain the quantity unsold and remaining on hand, and which shall, for the purpose of ascertaining the profits of the said business, be credited at the price at which it shall have been brought into the same.

And it is declared that this agreement is not intended to be, nor shall be construed to be, a partnership between the said parties hereto; and it is, lastly, agreed that all or any disputes which may arise between the said parties touching this agreement, or any matter or thing to be done under the same, shall, at the request of either party, be referred to arbitrators, to be appointed in the usual manner. As witness the hands of the said parties.

No. 2.

THE UNDER SECRETARY to MR. JOSEPH THOMPSON, JUNR.

*Colonial Secretary's Office,**Sydney, 9 April, 1857.*

SIR,

Your letter under date the 6th instant, on the subject mentioned below, has been duly received and referred for the report of His Honor Mr. Justice Dickinson.

2. As soon as the necessary information has been obtained a further communication will be made to you.

I have, &c.,

W. ELYARD,

Under Secretary.

Subject:—Case of W. B. Evans, convicted of embezzlement.

MR. JOSEPH THOMPSON, JUNR.,

109, Pitt-street, Sydney.

No. 3.

THE UNDER SECRETARY to MR. JUSTICE DICKINSON.

*Colonial Secretary's Office,
Sydney, 9 April, 1857.*

SIR,

I am directed to request the favor of your Honor's report on the accompanying letter from Mr. Joseph Thompson, junior, relative to the case of W. B. Evans, recently convicted of embezzlement. 6 April, 1857.

I have, &c.,

HIS HONOR
MR. JUSTICE DICKINSON.

W. ELYARD.

No. 4.

THE UNDER SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,
Sydney, 14 April, 1857.*

SIR,

I am directed to request that a man of the name of Evans, who was sentenced to five years on the roads with hard labor, at the Assizes at Goulburn, may, if he has arrived from Goulburn, be retained in the Darlinghurst Gaol until further orders.

Should the man have been forwarded to Cockatoo Island he will be returned to the Gaol.

I have, &c.,

THE SHERIFF.

W. ELYARD.

No. 5.

MR. JUSTICE DICKINSON to THE COLONIAL SECRETARY.

*Supreme Court,
20 April, 1857.*

SIR,

I have the honor to acknowledge the receipt of your letter dated 9 April, 1857, enclosing a letter addressed to His Excellency the Governor General by Mr. Joseph Thompson, in reference to the case of the prisoner named in the margin, and requesting my report W. B. Evans. thereon.

I have the honor to acquaint you, for the information of His Excellency the Governor General, that the prisoner was indicted for embezzlement. At the trial he endeavoured to shew that he was a partner of, and not servant to, Mr. Mate, whose money he was indicted for embezzling: had he succeeded on that point he would have been acquitted. The jury, however, found him guilty; and he wishes now, therefore, to make out that he was a partner, and has sent a paper, which he calls a draft of a partnership deed.

1st. As it appears to me (not having my notes now before me) that the draft would not cover the time when the prisoner embezzled the moneys; 2ndly, as I have no evidence that the draft was ever engrossed and executed; 3rdly, as I do not think that Evans was made a partner by it;—I can make no recommendation in favor of Evans in respect of the circumstances mentioned in Mr. Thompson's letter.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

J. N. DICKINSON.

No. 6.

THE UNDER SECRETARY to MR. JOSEPH THOMPSON, JUNR.

*Colonial Secretary's Office,
Sydney, 24 April, 1857.*

SIR,

Referring to my letter of the 9th instant, respecting your application in favor of the person named in the margin, recently convicted of embezzlement, I am now directed to inform you, that the necessary report of Mr. Justice Dickinson has been obtained, and that the Governor General has not seen fit to authorize any remission of the prisoner's sentence. B. Evans.

I have, &c.,

MR. JOSEPH THOMPSON, JUNR.,
109, Pitt-street, Sydney.

W. ELYARD.

No. 7.

MR. JOSEPH THOMPSON, JUNR., AND OTHERS, to THE COLONIAL SECRETARY.

109, Pitt-street, Sydney.

27 April, 1857.

SIR,

We have the honor to acknowledge the receipt, this morning, of a letter from your office, dated 24th instant, and addressed to Mr. Joseph Thompson, junior, in reference to the case of William Bird Evans, now in Darlinghurst Gaol, and on whose behalf a memorial has already been forwarded to His Excellency the Governor General, the object of which was to procure His Excellency's sanction to the prisoner's retention at Darlinghurst until a point of law, reserved at the trial, can be determined, and on which counsel are fully instructed; but which, owing to the press of Judicial business, has not yet been heard. It was our intention, in the event of the decision proving unfavorable, to have then laid before His Excellency a mass of evidence that we are now procuring, and which we trust will be sufficient to satisfy, not only His Excellency, but also the learned Judge who tried the case, of the prisoner's innocence.

In preparing the various documents which will be necessary for the proper understanding of this case, we shall be materially assisted if we are allowed to communicate with the prisoner; but from which privilege we shall be debarred by his removal to Cockatoo.

We have therefore the honor to request that, in the mean time, His Excellency will be pleased to authorize the retention of the prisoner at Darlinghurst.

We have the honor to be, &c.,

GEORGE A. LLOYD, & Co.

FOSS, SON, & Co.

JOHN FAIRFAX, & SONS.

JOS. THOMPSON, JUNR.

DAVD. JONES, & Co.

W. C. PRESTON.

TO THE HONORABLE

THE COLONIAL SECRETARY.

No. 8.

THE UNDER SECRETARY to MR. JOSEPH THOMPSON, JUNR., AND OTHERS.

Colonial Secretary's Office,

Sydney, 4 May, 1857.

GENTLEMEN,

In reply to your letter of the 27th ultimo, applying for the retention of the prisoner, named in the margin in Darlinghurst Gaol, until a point of law, stated to have been reserved at his trial, can be determined, I am directed to inform you that the Governor General has no objection to Evans remaining a short time in the above gaol, if you will say what length of time it will require to enable you to collect the evidence upon which you rely.

W. B. EVANS.

I have, &c.,

W. ELYARD.

JOSEPH THOMPSON, JUNR., ESQ.,

And other Gentlemen signing the application,

109, Pitt-street.

No. 9.

MR. HENRY LORD to THE COLONIAL SECRETARY.

Goulburn, 27 April, 1857.

SIR,

I have the honor to enclose you a petition to His Excellency the Governor General from the inhabitants of this town and vicinity, in favor of William Bird Evans.

I have, &c.,

HENRY LORD.

TO THE HONORABLE

THE COLONIAL SECRETARY,

Sydney.

[Enclosure

[Enclosure in No. 9.]

To His Excellency Sir William Thomas Denison, K. C. B., Governor General in and over Her Majesty's Australasian Colonies, and Governor-in-Chief of the Territory of New South Wales and its Dependencies, &c., &c., &c.

The humble Petition of certain Inhabitants of the Town of Goulburn, in New South Wales and its vicinity,—

SHEWETH:—

That your petitioners have heard with deep regret that William Bird Evans, late of Albury, was convicted at the last Circuit Court held at Goulburn, before His Honor Mr. Justice Dickinson, of embezzlement, and has been sentenced to five years hard labor.

Your petitioners, without in any way admitting or impugning the justice of the verdict, cannot avoid expressing their firm conviction that whatever loss, if any, may have been sustained by the firm of T. H. Mate & Co., of Albury, the prosecutors, it was the result of the excitement, and, to some extent, carelessness in the conduct of business in the immediate vicinity of gold fields, peculiar to a mercantile community, rather than to any dishonest conduct on the part of William Bird Evans.

The said William Bird Evans has for years past maintained the highest character for honesty and uprightness, so as to rebut the presumption of fraudulent appropriation, arising from the mere non-entry of the receipt of money, and your petitioners believe there was no other evidence of appropriation offered against the said William Bird Evans.

Your petitioners, therefore, humbly pray that your Excellency may be graciously pleased to take the case of the said William Bird Evans into favorable consideration, and grant him such relief as to your Excellency may seem meet.

And your petitioners will ever pray, &c.

[Here follow 126 Signatures.]

No. 10.

THE UNDER SECRETARY to MR. LORD.

Colonial Secretary's Office,

Sydney, 12 May, 1857.

SIR,

I am directed to acknowledge the receipt of your letter of the 27th ultimo, submitting a petition from certain Inhabitants of Goulburn and its vicinity, praying for a mitigation of the sentence passed upon W. B. Evans for embezzlement; and to state, for the information of the petitioners, that a reference having already been made in the case of Evans to Mr. Justice Dickinson, it appears by a communication received from His Honor that he cannot recommend any abatement of the sentence.

I have, &c.,

HENRY LORD, ESQ.,
Goulburn.

W. ELYARD.

No. 11.

MR. JOSEPH THOMPSON, JUNR., to THE COLONIAL SECRETARY.

109 Pitt-street,

Sydney, 6 May, 1857

SIR,

I have the honor to acknowledge the receipt of a letter of the 4th instant, relative to the case of W. B. Evans; and in reply thereto, beg to inform you, for the information of His Excellency the Governor General, that in consequence of the necessary evidence in this case having to be collected from remote parts of the Colony, I am apprehensive that the matter can hardly be completed in less time than one month from Monday next.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

JOS. THOMPSON, JUNR.

No. 12.

No. 12.

THE UNDER SECRETARY to MR. JOSEPH THOMPSON, JUNR.

*Colonial Secretary's Office,
Sydney, 12 May, 1857.*

SIR,

W. B. Evans.

In reply to your further letter of the 6th instant, I am directed to inform you, that the Governor General has been pleased to approve of the prisoner named in the margin being detained in Darlinghurst Gaol for one month, and that the Sheriff has been apprised accordingly.

I have, &c.,

MR. JOSEPH THOMPSON, JUNR.,
109, Pitt-street, Sydney.

W. ELYARD.

No. 13.

THE UNDER SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,
Sydney, 12 May, 1857.*

SIR,

Messrs. Joseph Thompson, junior, David Jones & Co, and other gentlemen, having represented that they are collecting evidence with the view of proving the innocence of W. B. Evans, who was recently convicted of embezzlement, I am directed to inform you, that, in compliance with a wish expressed by those gentlemen, the Governor General approves of Evans being retained for one month, from the 11th instant, in the gaol at Darlinghurst, instead of being forwarded to Cockatoo Island.

I have, &c.,

THE SHERIFF.

W. ELYARD.

No. 14.

MR. JOSEPH THOMPSON, JUNR., to HIS EXCELLENCY THE GOVERNOR GENERAL.

109, Pitt-street,

TO HIS EXCELLENCY SIR W. DENISON, K.C.B.,
Governor General.

3 June, 1857.

Hearing that your Excellency is about to leave Sydney immediately, I am compelled, under the peculiar circumstances of the case of W. B. Evans, to request you will grant a further indulgence in allowing him to remain in Darlinghurst, feeling confident that from the explanations and evidence that will be offered, your Excellency will be satisfied of his moral rectitude and integrity, should it become necessary to place them before you, in consequence of the Supreme Court not having the power to grant a new trial in the matter.

I beg to refer your Excellency to the enclosure received from the solicitor employed in this matter.

I have, &c.,

JOS. THOMPSON, JUNR.

[Enclosure in No. 14.]

63, Pitt-street

2 June, 1857.

Dear Sir,

The memorial for His Excellency the Governor General in W. B. Evans' matter would have been presented last week, but for the advice of Messrs. Lutwyche and Martin, that this was a proper case in which to make an application for a new trial, and the former strongly urged that such a course would be more satisfactory, inasmuch as it would enable Mr. Evans fully to vindicate his character, and that it would be injudicious to apply to His Excellency for a pardon until the Court had finally disposed of the matter. Acting upon this advice, I have issued writs of *certiorari* and *habeas corpus*, which were returnable last Saturday, but, owing to the absence of the Chief Justice, who was trying a Civil cause, the matter was adjourned until next Saturday, and the prosecutor's Counsel (Mr. Holroyd) has intimated his intention to apply for a further postponement; and as this is the first instance of an application for a new trial in a case of felony, some difficulty has been experienced

experienced as to the proper course of proceeding. I find, on reference to the letter from the Colonial Secretary's Office, that the time granted for Mr. Evans to remain in Darlinghurst will expire next week. It will be excessively inconvenient to me, if I require to see him, to have to proceed to Cockatoo, and I should imagine equally so to the Sheriff to remove him backwards and forwards, until the *habeas corpus* is disposed of. I hear the Governor General leaves Sydney this week for the interior; it will, therefore, be necessary for me to take immediate steps to prevent, if possible, Evans' removal to Cockatoo. I saw him yesterday; he seems much worse than he was on Saturday last.

Mr. J. Thompson, Junr.

Yours truly,

GEO. S. YARNTON.

No. 15.

THE UNDER SECRETARY to MR. JOSEPH THOMPSON, JUNR.

*Colonial Secretary's Office,
Sydney, 6 June, 1857.*

SIR,

In reply to your further letter of the 3rd instant, respecting the case of the prisoner named in the margin, I am directed to inform you, that if an application has been made for a new trial, His Excellency the Governor General approves of Evans remaining in Darlinghurst Gaol, pending the decision of the Judge, and that the Sheriff has been apprised accordingly. W. B. Evans.

I have, &c.,

MR. JOSEPH THOMPSON, JUNR.,
109, Pitt-street, Sydney.

W. ELYARD.

No. 16.

THE UNDER SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,
Sydney, 6 June, 1857.*

SIR,

Referring to my letter of the 12th ultimo, I am directed to inform you, that if an application is made for a new trial in the case of the prisoner named in the margin, His Excellency the Governor General approves of his remaining in Darlinghurst Gaol, pending the decision of the Judge. W. B. Evans.

I have, &c.,

THE SHERIFF.

W. ELYARD.

No. 17.

MR. G. S. YARNTON to THE COLONIAL SECRETARY.

*63, Pitt-street,
15 July, 1857.*

SIR,

I have the honor to forward you, for the consideration of His Excellency the Governor General, three petitions on behalf of William Bird Evans, now under sentence for embezzlement,—one from the inhabitants of Yass, another from the inhabitants of Albury and surrounding neighbourhood, and a third from the German inhabitants of that place. A fourth petition, now in course of signature, will, together with the evidence in support thereof, be forwarded before the close of the week.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

G. S. YARNTON.

[*Enclosure I in No. 17*]

To His Excellency Sir William Thomas Denison, Knight Commander of the most Honorable Order of the Bath, Governor General in and over Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

The Memorial of the undersigned inhabitants of Albury and its neighbourhood, relating to the case of William Bird Evans, late of Albury, but now under sentence of five years hard labor, on a charge of embezzlement,—

HUMBLY SHEWETH:—

That your memorialists have, for some considerable time past, known the said William Bird Evans as manager of the store of Messrs. Mate and Co., of Albury aforesaid, and have ever highly esteemed him for his obliging disposition in all his intercourse with

the inhabitants of this neighbourhood, his integrity and trustworthiness in all his dealings, his benevolence and kindness to all persons in need, and his excellence of character; that when the charge of embezzlement was first brought against him at Albury aforesaid, your memorialists utterly disbelieved in the possibility of Messrs. Mate and Co. substantiating it; that when his conviction took place at the sittings of the Circuit Court at Goulburn, on the twenty-sixth day of March last, the surprise and grief were general throughout this community. That, without wishing to cast any reflection upon the prosecution, or the witnesses examined upon the trial, your memorialists have still unshaken faith in the innocence of the said William Bird Evans, verily believing that the moneys alleged to have been abstracted were all included in the general returns made to the credit of the business; that the omissions in his accounts arose not from design but accident, chiefly from the hurry of business carried on in the vicinity of gold fields, leading to oversights, which, however, your memorialists do not attempt to justify; and that while it might be difficult to adduce proofs of innocence which would come within the law of evidence strictly, they believe it would not be difficult to bring forward moral proof sufficient to satisfy your Excellency of his innocence.

With these convictions your Excellency's memorialists earnestly pray that your Excellency will be pleased to take such measures as may seem to your Excellency meet to inquire into the merits of this painful case, and to relieve the prisoner from his unhappy position, should your Excellency find that the case deserves it.

And your Excellency's petitioners, as in duty bound, will ever pray.

[Here follow 352 Signatures.]

[Enclosure 2 in No. 17.]

To His Excellency Sir William Thomas Denison, Knight-Commander of the Most Honorable Order of the Bath, and Governor General of all Her Majesty's Australian Possessions, &c.

The humble Petition of the undersigned Inhabitants of the Town and District of Yass,—

RESPECTFULLY SHEWETH:—

That your petitioners are well acquainted with, and have had good opportunities, both in business and otherwise, of knowing the character of William Bird Evans, late of Albury, who was convicted of the crime of embezzlement, before His Honor Mr. Justice Dickinson, at the last Goulburn Assizes.

That such knowledge on your petitioners' part has arisen from the fact of the said William Bird Evans having resided in Yass for some years previous to his removal to Albury, and the circumstance that many of the undersigned have transacted business to a considerable extent with him, during his connection with the firm of Messrs. T. H. Mate and Company of Albury, by whom the said William Bird Evans was prosecuted for such embezzlement.

That your Excellency's petitioners, being fully impressed with the belief that the said William Bird Evans is not morally guilty of the crime of which he has been convicted, (notwithstanding that the facts proved on his trial may make him *legally* amenable for the omission, which your petitioners do not attempt to deny were proved against him), your petitioners respectfully and earnestly entreat your Excellency's attention to the following circumstances, as tending to bear out your petitioners' belief of the prisoner's innocence, namely:—*First*. The fact, that from a very limited capital of £1,250, furnished by Mr. Mate, certainly the prisoner, unassisted, and solely by his own good conduct and attention to business, realized for his then partner, in a period of five years, (during which time Mr. Evans had a pecuniary interest in the profits of the concern), a large sum of money; and although subsequent losses occurred, it is no less true that whilst Mr. Mate, in 1855, was a large gainer by the adventure, the prisoner retired from the concern with literally *nothing* for his five years hard work, the losses, for which he was unable to account, having altogether swallowed up his share of the profits—all of which, therefore, went to Mr. Mate. *Secondly*. Your Petitioners would invite your Excellency's attention to the circumstance, that receipts were given by the prisoner, or his brother, for each of the sums said to be embezzled, and that prisoner must have known well, in his subsequent dealings with the moneys so paid to him, that these receipts would always afford conclusive evidence of such payments having been made, and therefore afford an easy and sure means of bringing the receipt of the money home to him, whether the entries were made in the books of the firm or not. And although your petitioners do not seek to excuse altogether the neglect of which they admit the prisoner must, according to his own account of the matter, have been guilty, they see in the peculiar circumstances of a large concern, managed by one man in the very midst, as it were, of a gold field, some extenuation at least of the prisoner's fault; and believing, as your petitioners do, that the law of embezzlement was never intended to apply to any persons but those who wilfully and intentionally appropriated to their own use the moneys of their employers, your petitioners feel that their firm belief in Mr. Evans' innocence of all *moral* guilt is not altogether unreasonable, notwithstanding the different conclusion arrived at by the jury. And, in conclusion, they humbly invite your Excellency's attention to the possibility, and they might, perhaps, say probability, of the missing money forming a portion of the £2,200 paid by Mr. Evans into the Beechworth Bank, after the receipt of the several sums mentioned in the indictment, and subsequently received by Mr. Mate; and, under all the circumstances above mentioned, your petitioners earnestly entreat your Excellency to cause further inquiry to be made in a matter in which, on a full and impartial examination of the facts, your petitioners firmly believe your Excellency will agree with them in thinking that the prisoner has been improperly convicted, and ought, therefore, to receive a free pardon.

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

[Here follow 20 Signatures.]

[Enclosure

[Enclosure 3 in No. 17.]

(TRANSLATION)

To His Excellency Sir William Denison, Knight Commander of the Bath Order, Governor General in and over the Colonies of New South Wales, Tasmania, Victoria, South Australia, and West Australia, Captain General-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c.

The Petition of the undersigned residents of Albury and environs, in reference to a complaint against William Bird Evans, formerly in Albury, but now under a sentence of five years' imprisonment, with hard labor, for embezzlement,—

RESPECTFULLY SHEWETH:—

That the undersigned have known the said William Bird Evans as overseer of Messrs. Mate & Co., in Albury; that he has made himself much respected, through kindness and perseverance in business, through all his undertakings, in business and in private, and also through his kind actions and his most respectable character.

That when at first the charge for embezzlement was brought against him before the Bench at Albury, the undersigned could scarcely credit that Messrs. Mate & Co. had commenced this action.

That when he was convicted at the Court of Goulburn, on the 26th of March, the civic society in Albury was taken by surprise and grief.

Although, considering the conviction and evidences of the witnesses, the undersigned are morally convinced of the innocence of the said William Bird Evans, because the fraud having only arisen through neglected book-keeping, (which continual activity in the local gold mines have hindered the said William Bird Evans to attend to).

That, it being neither in our power, nor legal, to oppose the existing law, we only pray to your Excellency to listen to the character which we give to William Bird Evans.

That the undersigned, being all German land proprietors, pray to your Excellency to believe in the innocence of the said William Bird Evans. Many of our community have obtained possession of houses and land through his kindness, friendship, and activity, which will for ever be remembered by his Colonial brothers of German origin.

That, referring to the above, we the undersigned pray to your Excellency most humbly, that your Excellency may be pleased to take such steps as your Excellency sees fit for the investigation of this deplorable matter, and so to cause the liberation of the prisoner from his unhappy position, if your Excellency thinks that this case deserves your consideration.

And your petitioners, &c., &c.

[Following 49 Signatures.]

No. 18.

THE UNDER SECRETARY to MR. YARNTON.

Colonial Secretary's Office,

Sydney, 20 July, 1857.

SIR,

Your letter under date the 15th instant, on the subject mentioned below, has been duly received and referred for the report of His Honor Mr. Justice Dickinson.

2. As soon as the necessary information has been obtained, a further communication will be made to you.

I have, &c.,

W. ELYARD,

Under Secretary.

Subject:—Remission of the sentence of W. B. Evans.

G. S. YARNTON, ESQ.,

13, Pitt-street, Sydney.

No. 19.

THE UNDER SECRETARY to MR. JUSTICE DICKINSON.

Colonial Secretary's Office,

Sydney, 20 July, 1857.

SIR,

I am directed to request the favor of your Honor's report upon the accompanying petition for mitigation of the sentence of five years hard labor on the roads passed by you upon the prisoner named in the margin.

I have, &c.,

W. ELYARD.

HIS HONOR

MR. JUSTICE DICKINSON.

No. 20.

No. 20.

MR. JUSTICE DICKINSON to THE COLONIAL SECRETARY.

Supreme Court,

22 July, 1857.

SIR,

I have the honor to acknowledge the receipt of your letter dated 28th June, W. B. EVANS, 1857, received yesterday, respecting the prisoner named in the margin,—together with two petitions written in the English language in favor of the prisoner, and another in German, on behalf of the same person, and which are both herewith returned.

I have the honor to state that, being unacquainted with the German language, I have been unable to devote any consideration to the last mentioned petition. I have read the two other petitions, and also the notes which I took at the trial of the prisoner, but not the letters and exhibits therein mentioned, to which I have no access.

I have the honor to report, for the information of His Excellency the Governor General, that the prisoner was indicted at the last Goulburn Circuit for embezzling three sums of money belonging to his employer, Thomas Hodges Mate. The trial occupied thirteen hours, and he was ably defended by counsel. He was found guilty by an intelligent and respectable jury. I did not then, nor do I now, perceive any reason to be dissatisfied with the verdict; and, according to my judgment, the matters contained in the petition afford no reason for recommending His Excellency to interfere in the prisoner's behalf.

I beg leave further to state, that I have been informed by several very respectable gentlemen that facts can be adduced which may throw a very different complexion upon the prisoner's case from that which appeared upon the trial. If such facts should be laid before me, I should feel most happy to bestow upon them, and also upon the evidence in my notebook, all the consideration in my power; but, as at present advised, I regret that I am unable to make any recommendation in the prisoner's favor.

I am, &c.,

J. N. DICKINSON.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 21.

MR. YARNTON to THE COLONIAL SECRETARY.

63 Pitt-street, Sydney,

22 July, 1857.

SIR,

I have the honor to forward, for the consideration of His Excellency the Governor General, a petition from William Bird Evans, together with various documents specified in a schedule thereto.

I have also the honor to request that the memorials forwarded by me last week, and also a memorial from the inhabitants of Goulburn, forwarded from thence several weeks since, may be brought under His Excellency's notice at the same time, and that, when His Excellency shall have finally disposed of the matter, the documents No. 5 in the schedule may be returned to me, as they will probably be required for ulterior proceedings.

I have, &c.,

G. S. YARNTON.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure 1 in No. 21.]

To His Excellency Sir William Thomas Denison, Knight, Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Australian Colonies, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same.

The humble Petition of William Bird Evans, at present confined in Her Majesty's Gaol at Darlinghurst, under sentence for alleged embezzlement,—

SHEWETH:—

That your petitioner was tried at the last Circuit Court holden at Goulburn, and found guilty of embezzling certain moneys, the property of Thomas Hodges Mate.

2. That, on the trial, two balance sheets were given in evidence on the part of the prosecution, only one of which had been produced at the Police Office, Albury; but, at the instance of your petitioner's counsel, a point was reserved by the learned Judge, and afterwards stated in a special case for the opinion of the Supreme Court, whether the said balance sheets were properly admitted in evidence.

3. That, upon the argument of the said special case, it appeared that only the last of the said balance sheets had been retained among the papers in the possession of the Crown Law Officers, the other one having been improperly given back to, and taken away by the prosecutor, and your petitioner's counsel not having been furnished with a copy of the first of the said balance sheets at the said trial, by reason of the same not having been produced at the Police Office, and not having any copy or the original to refer to on the hearing of the matters reserved by the special case, were deprived of many grounds of objection to the admissibility of such balance sheet which would naturally have presented themselves by a perusal of the document in question.

4. That the Supreme Court having decided that the said balance sheets were properly admitted in evidence, your petitioner's legal advisers recommended that an application should be made for a new trial, and your petitioner fondly hoped that an opportunity would have been afforded him of establishing his innocence; but after a delay of upwards of three weeks from the time the case was argued, the Supreme Court decided that they had no power to grant new trials in cases of felony after judgment had been passed.

5. That your petitioner's counsel then endeavoured to take advantage of certain defects in the proceedings since your petitioner's conviction, defects which, in a civil action, your petitioner is advised would have been sufficient to set aside judgment and execution, and to have rendered all persons concerned in enforcing the same liable to damages, but which, in cases where life and liberty are at stake, the Supreme Court has decided are immaterial.

6. That your memorialist having been unsuccessful in his endeavours to obtain an opportunity of proving his innocence of the charges preferred against him, is compelled to apply to your Excellency for the exercise of the Royal Prerogative of Mercy; and in doing so is enabled to assure your Excellency that he happily possesses internal evidence of his integrity and rectitude in all and every his dealings with the prosecutor.

7. Your petitioner would, therefore, submit to your Excellency, that on the trial the attention of the jury was not called to the explanations at the foot of the second balance sheet, which tend to shew that your petitioner never admitted the correctness of the premises on which the said document was framed.

8. Your petitioner would also call your Excellency's attention to the copy of the agreement sent herewith, and in respect of which no statement or settlement of accounts has ever taken place between the prosecutor and your petitioner, as also to the affidavit intended to have been used in support of his application for a new trial, and as a corroboration of many of the circumstances therein detailed, would refer to the several documents specified in the schedule hereto.

9. Your petitioner would also refer your Excellency to the copy of the Judge's notes of the trial, at page 6 of which it appears that the prosecutor swore he had paid for 199 ounces of gold remitted him in February, 1856, and, from the notes of counsel taken at the trial, such payment was stated to be by the prosecutor's cheque; and so unexpected was this evidence, that your petitioner was not prepared with evidence to contradict the same, but which he has since procured. And your petitioner would strongly urge upon your Excellency, that the alleged payment by the prosecutor for the said gold, remitted to him in the same month in which the largest amount is alleged to have been embezzled, must have influenced the jury in arriving at the conclusion to which they came, as appears by the testimony of five of them, and in which your petitioner believes the other seven would have joined, but the distance of their respective residences precluded the possibility of application being made to them.

10. Your petitioner would also call your Excellency's attention to the fact, that McGall's money was paid to your petitioner's brother, and the receipt given by him; and that in such receipt there is a gross error in stating the amount to be £739 4s. 10d., whereas a portion thereof—£133 4s. 10d.—was previously standing to his credit, and consisted of promissory notes and orders, which may not then have been paid, so that the sum actually paid by him in February, 1856, was £606 only.

11. Your petitioner would also urge upon your Excellency, that the second balance sheet cannot be taken as an admission of any deficiency, inasmuch as the sum of eleven thousand pounds—portion of T. H. Mate's claim—is disputed; and, if not due to him, there would be no deficiency, but the balance would be reversed.

Your petitioner, therefore, humbly prays that your Excellency will be pleased to consider the hardship of your petitioner's position, and the injustice to which he has been subjected; and that your Excellency will, so far as in you lies, give your petitioner redress, by causing a pardon to be issued under the Great Seal of the Colony.

And your petitioner, as in duty bound, shall ever pray, &c.

W. B. EVANS.

SCHEDULE.

1. Affidavit of Petitioner.
2. Copy Agreement.
3. Copy Judge's Notes.
4. Declaration of J. P. Kirby.
5. Two Letters from J. L. Evans to Kirby.
6. Certificates of five Jurymen.
7. Declaration of J. L. Evans.
8. Declaration of Rev. D. H. Ballantyne.
9. Declaration of Walter Miller.
10. Declaration of Ann Rees Jones.
11. Corrected Balance Sheet.
12. Testimonial Certificates from J. Fairfax and others.
13. Copies of Letters from Managers of Union Bank, Melbourne, and Commercial Bank, Sydney.
14. Copy Letter from Postmaster General.
15. Testimonial Letters from Captain Cadell, W. Ford, Thomas Laidlaw, Percival L. F. Stephen, Henry Shiel, D. H. Ballantyne, and six others.

I.

In the Supreme Court of New South Wales. (Criminal side.)

THE QUEEN, on the prosecution of THOMAS HODGES MATE,
against
 WILLIAM BIRD EVANS.

On the sixth day of June, in the year one thousand eight hundred and fifty-seven, William Bird Evans, at present confined in Her Majesty's Gaol at Darlinghurst, under sentence pronounced at the last Circuit Court at Goulburn, being duly sworn, maketh oath and saith as follows:—In pursuance of an agreement bearing date the fifth day of February, 1850, and made between the prosecutor and myself, I conducted the business of the Union Store, Albury. The prosecutor advanced the sum of twelve hundred and fifty pounds, in pursuance of the said agreement, and subsequently other sums, but without at any time giving me notice of his intention to make such advances, or furnishing any particulars thereof when made. At the expiration of the term of three years created by the said agreement, the prosecutor proposed to me to renew the same for a further period of three years, to which I objected; and it was arranged that the agreement should be renewed for two years, by an indorsement on the back thereof; and at the expiration of such last-mentioned period the said agreement was further extended until the thirtieth day of April, 1856. During the periods aforesaid, the moneys received by me in the said store, with the exception of sums drawn by myself on account of my share of the profits, and also such sums as were required for the necessary purposes of such business, were remitted by me, through various channels, including the Union Bank of Melbourne and the Commercial Bank of Sydney, to the private account of the prosecutor. In the month of July, 1855, the prosecutor was at Albury, and then prepared a balance sheet, in which he claimed the sum of six thousand pounds, or thereabouts, as due to him from the firm of T. H. Mate & Co. over and above the sum of thirty-three thousand two hundred and seventy pounds, as the result of the five years trading. I objected to such balance sheet, and the same was taken back by the prosecutor, and I have not since seen it. The prosecutor shortly afterwards left Albury for his residence at Tareutta; and on or about the seventh day of August following, I received a letter from prosecutor, informing me that he found several sums of money had been paid to his credit in the Banks at Sydney and Melbourne, which he had omitted to credit T. H. Mate & Co. The prosecutor afterwards returned to Albury, and further explained the matter, by stating that he had charged sums in his books which had been already allowed by me in the books at Albury. And the said claim of six thousand pounds, or thereabouts, was abandoned by the prosecutor as having been charged in error. The paper annexed hereto, and marked A, contains a true copy of the two balance sheets given in evidence upon this trial. The first of such balance sheets was made up partly from the prosecutor's information and figures. The first item therein, "T. H. Mate's Account," I have had no means of checking, and for a considerable portion, viz., ten thousand pounds and upwards, I have received no invoices or vouchers; and although entries may appear in the ledger in my own handwriting of goods received or payments made by prosecutor, many of such entries were made from the dictation of the prosecutor, without proof of the transmission of such goods, or of such payments having been made. I verily believe, that in the two balance sheets put in evidence against me, the prosecutor has been allowed an amount far beyond what he is entitled to; and I believe, that on a fair settlement of the accounts for the five years' trading, a sum of at least five thousand pounds will be found due to me, over and above what I have received; and, as far as I am able to state, without reference to the books, the amount so received by me is little over eight hundred pounds; and I verily believe this prosecution has been instituted to prevent my taking any steps to compel the taking of such accounts. I have omitted to charge in the first balance sheet the expenses of carrying on the said business, amounting to not less than two thousand five hundred pounds. The accounts of Jarvis Moore, and some small accounts, have been improperly included in the second balance sheet instead of the first, and amounts to two thousand two hundred and fifty pounds, or thereabouts. From the second balance sheet has been omitted my salary, as also the salaries of an assistant, the wages of servants, and household expenses, and expenses of trade—unless included under some other head. The stock-in-trade is put down from the prosecutor's valuation, and is too little by one thousand pounds; there is also an omission of seven hundred and fifty-six pounds, for one hundred and ninety-nine ounces of gold dust, and another omission of one hundred and thirty-nine pounds, for a quantity of postage stamps, as hereinafter mentioned. The sums for half-notes stolen from the mail, and bad and doubtful debts, mentioned in the memorandum at the foot of the first balance sheet, and amounting together to the sum of eight hundred and eighteen pounds fourteen shillings and three-pence, should have been carried out in such balance sheet, but was objected to by the prosecutor. I have reason to believe that, in accordance with the custom of the banks in such cases, the amount of such notes has been received by the prosecutor, inasmuch as the corresponding halves of such notes were received by the Union Bank, Melbourne, on his account; and with regard to the item for the improvements made to the Union Store and premises, the same should have been one thousand pounds, being the amount actually expended, but the prosecutor stated he was in the position of a landlord, and could allow me what he thought proper; and would not allow more than six hundred pounds. The amount of business transacted during the said term of five years was one hundred and fifteen thousand pounds, or thereabouts, yielding a profit of about twenty thousand pounds, exclusive of a commission of two and a half per cent. on fifty thousand pounds placed in the hands of the said firm for remittance during the period aforesaid. In or about the month of May, 1856, a meeting took place at the Union Store, Albury, between the prosecutor, myself, and two friends, to endeavour, if possible, to come to an amicable arrangement respecting the accounts between us. On that occasion I requested the said prosecutor to produce his bank-

books,

books, which he positively refused to do; I also requested him to leave the matters then in difference between us to arbitration, pursuant to the before-mentioned agreement, which he also refused to do. On another occasion, subsequent to the differences arising between us, I proposed to the prosecutor to procure the services of an accountant from Melbourne to go into the said accounts, the expenses to be equally borne between us, to which proposal the prosecutor also refused to accede. In the month of May, 1855, the prosecutor was at Albury, and on more than one occasion the necessity of procuring additional assistance in the establishment to supply the place of one William Bardwell, who was then about to leave, was a subject of conversation between us, and Mr. W. S. Gray, who was known to both of us, was mentioned and approved of, and the prosecutor led me to believe that on his arrival in Sydney he would secure the services of the said W. S. Gray, or some other competent person; and, although the said William Bardwell left Albury in the same mail with the prosecutor, on or about the thirty-first day of May, 1855, and the said prosecutor well knew I had not then sufficient assistance to carry on the business, he never sent me any other person to supply the place of the said William Bardwell. With reference to one hundred and ninety-nine ounces of gold dust remitted to the said prosecutor in the month of February, 1856, it is not true as sworn by him on this trial that any money was remitted to me to pay for the same—the sum of eight hundred pounds alleged by him to have been so remitted was the amount of a balance due on a purchase of gold dust, in the month of January, 1856, the particulars of which are specified in the copy of the sale-note hereunto annexed, and marked B, and such sum was paid by the cheque of the prosecutor, which cheque was forwarded in halves, one about the sixth and the other on the eighth of January aforesaid, to the Bank at Beechworth, to be placed to the credit of the said J. B. Kirby, and the whole of such gold dust was, in the same, or early in the following month, remitted to the prosecutor. At the time of making out the last balance sheet there were in the iron chest in the store at Albury postage-stamps of the value of one hundred and thirty-pounds, or thereabouts, which were included in the amount of stock on such balance sheet, which stamps were my own property, and have been paid for by me; and although the said prosecutor promised me a cheque for the amount thereof, I have never been paid the same, and the prosecutor has received the full benefit of such stamps. In the month of March, 1855, an order upon the Colonial Treasury for four hundred and six pounds sixteen shillings was forwarded by Bear and Son, of Melbourne, as agents for Messrs. Sangar and Sawtell, to Messrs. T. H. Mate and Co., of Albury, which order was taken by the prosecutor from the cash-box, and transmitted to Sydney on his own account, and although entered by him in the books of T. H. Mate and Co. to the credit of Sangar and Sawtell, no entry was made by him debiting himself or crediting T. H. Mate and Co. therewith; such order was so transmitted without my knowledge, and was unknown to me until discovered by accident some time afterwards. During the year 1855 the prosecutor visited Albury several times. On his first visit he remained sixty days, and left about the thirty-first day of May. On his second visit he remained thirty days, and left about the second day of August. On the third visit he remained thirteen days, and left about the twelfth of November. He also visited Albury in January and March following, during the whole of which period he had free access to the cash-box, safe, and books, and he well knew the cash-book was not regularly kept. It was not the practice, as the prosecutor well knew, to enter the deposit remittance transactions in the books, as it would have involved an amount of writing which could not have been performed without additional assistance. The business of receiving and remitting moneys was independent of the store business, and was undertaken at a time when there was no Bank within a considerable distance of Albury, and in the majority of instances the depositors were strangers, and had no further transactions with us. With regard to the sum alleged to have been paid by M'Gill, the sum of one hundred and thirty-three pounds, portion thereof was standing to his credit in the books of T. H. Mate and Co., being the amount of orders left by him for collection previous to the sixth day of February, 1856, making the amount actually received on that day not quite six hundred and seven pounds. The amount remitted by me to the prosecutor from the first day of January to the thirty-first day of March, 1856, is upwards of nine thousand eight hundred pounds. During the time I have been connected with the prosecutor I have remitted to him all moneys received by me, with the exception of such sums as have been paid or drawn by me by virtue of the arrangement subsisting between the prosecutor and myself. I am not conscious of having drawn any sums of money from the said business which are not entered, although I am aware I have omitted to enter sums received by me, as also sums transmitted to the prosecutor. It was utterly impossible to keep up the books properly, considering the amount of business transacted and the assistance I had; and this the prosecutor well knew, for during one of his visits to Albury he undertook to keep the cash-book for one month, but gave it up in two days. From the middle of the year 1853, until the beginning of 1857, I was postmaster at Albury. Although I have omitted to make proper entries of the sums charged against me in this information, I have never embezzled any or either of them, or any part thereof; and it is my firm belief that the same have been duly received by the prosecutor. It is a well known fact, that during the last six years the prosecutor has become a wealthy man, whereas my position as to means is no better than it was seven years since, and, but for the kindness of my friends in Sydney, I should not have been in a position to have applied for a new trial, the whole of the expenses consequent thereon, and of the argument of the special case having been borne by them, unsolicited by me, and, as I believe, from a thorough persuasion of my integrity their conclusions having been drawn, as I believe, partly from their knowledge of the prosecutor. And, lastly, I say I was taken by surprise on the trial of this information by the evidence of the prosecutor relative to the sum of eight hundred pounds before mentioned, and also by the production of the balance sheet ending March, 1855, for I was led to believe that matters of account would not be gone into or taken into consideration, and such balance sheet was not given in evidence at the Police Office,

Office, Albury, nor, to the best of my belief, was any allusion then made to it. The agreement mentioned in the first page of this affidavit is now shewn to me, and is marked with the letter C. The perquisites and salary received by me as postmaster at Albury, amounting to the sum of upwards of one hundred and fifty pounds, were either paid into the firm of T. H. Mate & Co., or remitted to the prosecutor.

W. B. EVANS.

Sworn by the deponent on the day first }
above-mentioned, at Sydney, before me. } AUGUSTUS CARTER.

Albury, 3 January, 1856.

I have this day purchased from Mr. J. B. Kirby 339 ozs. 3 dwts 8 grs gold dust, @ £3 10s., amounting to the sum of twelve hundred and eighty-eight pounds sixteen shillings and eight-pence, and have paid him in cash four hundred and eighty-eight pounds sixteen shillings and eight-pence, the balance (£800) eight hundred pounds to be posted by cheque on Union Bank, Melbourne, to credit with D. Morrison, Esq., Bank New South Wales, Beechworth.

(Signed) { T. H. MATE & Co.
W. B. EVANS.

THE QUEEN v. W. B. EVANS.

This is the annexure marked B, mentioned and referred to in the affidavit of W. B. Evans, sworn before me this sixth day of June, 1857.

AUG. CARTER.

3.

CORAM DICKINSON, J.

Goulburn Circuit, Thursday, 26 March, 1857.

QUEEN v. WILLIAM BIRD EVANS.

Embezzlement of money of Thomas Hodges Mate.

Mr. Holroyd (with Mr. Isaacs) stated the case for the Crown.

Nicholls' account with Mate admitted, and a deposition of Nicholls read by consent.

Thomas Hodges Mate is my name; storekeeper at Tarcutta; had a store at Albury; prisoner my clerk at Albury; he had charge of Albury store and managed it; acted as my clerk from March 1855, to April, 1856; at Albury, general store and commission business; his time expired 31st March, 1856; stayed on premises till 10th May; on leaving service he gave up some books which he kept (*looks at ledger B*); this is one of them; after prisoner began to act as clerk he received moneys on my account; I had no other manager than prisoner from March, 1855, to April, 1856; during that time there was another clerk; he left in June, 1855; he had only to attend to the Post Office business, and to keep day-books and ledgers; no one but Evans authorised to receive moneys for me at this store; prisoner was to send moneys received by him for me to Tarcutta, or to Union Bank at Melbourne, (except moneys he had to pay away); I gave him directions by word of mouth; he afterwards received moneys on my account, and remitted according to aforesaid directions. (*Looks at ledger A kept by prisoner*). I look at Nicholls' account, partly written by prisoner and partly by John Evans, his brother; I find no entry to Nicholls' credit in October, 1855, of £111 7s. 1d.; one of the books prisoner gave up to me. (*Looks at cash-books*). In writing of prisoner; I see no entry of £111 7s. 1d. having been received; there is no such entry in it; I first found the non-entry at latter part of May, 1856, after prisoner had left my premises—between October, 1855, and May, 1856; I had no talk with the prisoner about Nicholls' account; prisoner has never paid or accounted for the £111 7s. 1d. (*Looks at Nicholls' account*.) In prisoner's writing, I first saw it at end of May, 1856, had afterwards no conversation with prisoner about that; no entry of £111 7s. 1d. in any other book. (*Looks at ledger B*.) I turn to M'Gall's account; I see no entry of money received (£731 18s. 6d) from M'Gall on 6th February, 1856; I see no entry of £739 4s. 10d. received from M'Gall; no entry of either in this ledger after 1st January, 1856; (*looks at cash-book*), no entry of either of them in cash book—no entry in day or any other book of either of those two sums; prisoner has not paid or accounted for either of these two latter sums. (*Looks at letter*), February 7th, 1856; I received this on 8th February; prisoner's writing; £394 &c., mentioned in this; an order for £394 5s. was sent to Sydney for collection and returned; four days post from Tarcutta to Sydney, and three back; one day more from Albury; gold dust mentioned in this, I received through post; prisoner received that some weeks before this letter; I did remit a draft to Pollard, as requested in this letter, for £731 18s.; that draft was paid. (*Looks at ledger B*) I turn to account of "John King"; he is an inn-keeper at Albury; I find no entry to credit of John King of £40 on 16th February in prisoner's writing; I entered in May as of February 16th, £40 to King's credit; in May, King came to pay me money, £40 not then entered; balance then against King in the book was £141 13s. 9d.; that, or day after, King produced this document in prisoner's writing, (*marked D*); I find no entry to King's credit in this book before I made my entry in May; or in cash book, or in any other book, he handed back to me on leaving; I entered, 16th February, in book to correspond with date in D; I had no conversation with prisoner about sums paid by M'Gall and King; prisoner has never paid or accounted for the £40. (*Looks at ledger B*) I turn to prisoner's account; some in prisoner's writing—some in his brother's; prisoner debits himself 16th February. (*Looks at day-book E*), I see an entry in prisoner's writing,

16th

16th February, 1856—£300 for salary, W. B. Evans—cash, bank notes £300; B. L. 229,90 “i. e., ledger B,” “pair of shoes, &c.” in prisoner’s hand writing; all in E and B when prisoner handed them over to me. (*Looks at day book E, page 96.*) February 23rd, W. B. Evans—cash on account, salary, £200; W. B. Evans in writing of brother John; that in book, when handed over to me by prisoner on leaving (ledger B), I find in this, February 23rd, £200 taken from E E refers to B; (*looks at cash book*), last entry is on January 4th, 1854; (*looks at day-book D*), one of books he gave over to me; February 18th, £20, prisoner’s writing; (*looks at E*), “W. B. Evans to cash, £20, Feby. 24th,” in brother’s writing; I find those last two in B called Do. Do. next after salary, in all £522 in February. I had a conversation with prisoner in November, 1855; I said to him, “I find you have omitted some days’ entries, and if you are not particular you will not be able to balance your cash accounts.” Prisoner said, “All right; I can do it at any time; I have all the memorandums in the safe.” In March I spoke with prisoner; I found he had not made these entries; I said, “It will be serious; I don’t see how you can make out your cash account with such a long omission of entries.” Prisoner said, “No fear; I have daily memorandums in safe, and with the day-books I can complete it.” In April I asked prisoner for cash-book; prisoner threw it on table; I opened it, and found he had only entered from first omission in October up to 4th January. I said, “You have not completed it now.” Prisoner said, “I can do no more of it.” I said, after what he said about safe, I had a right to expect it completed, as “I cannot balance your cash account unless made up to 31st March.” Prisoner said, “I can do no more to it.” He did no more. In May prisoner rendered his balance sheet. I afterwards saw him; I asked him to explain several items in it. I received no memorandums about the three sums from the prisoner. Cash-book regularly kept up to October, 1855. (*Looks at letter, 17th June, 1856*) I wrote this to prisoner (*reads it*); (*looks at another letter, same date*), prisoner’s writing (*reads it*); (*looks at letter, 14th October, 1856*), written by my solicitor; (*looks at letter, 1st November, 1856*) written by prisoner.

Cross-examined:—Prisoner was my clerk when I directed him to remit moneys; I gave them between 1850 and 1855; another arrangement on 1st May, 1855, in writing; it is in Court; it was in my possession till these proceedings. (*Looks at Nicholl’s account*) There is an entry, “By Credit, March 31st, £113 Gs. 11d.,” that was in the book when handed over to me. I have seen John Evans in store; he was not in my employment; I assisted him in books; he assisted his brother; I dictated from day book; he entered in the ledger; not the custom not to enter bank transactions in the books; it was the duty to enter them; cash book not balanced from April to October, 1855; in that period entries in my writing in the cash book (*looks at D*); remitted to me in February, 50 ozs. gold dust, £190; an order for £394 5s. for collection; February, cash paid L. Butts, £5, charged to me; February 7, cheque, £50, charged to me; I received from prisoner, by Butts, some gold dust (*looks at letter, 14th February, 1856*) written by prisoner; (*reads it; looks at E*); 14th February, 12 gallons over-charge on Brown & Co’s account; those are the 12 gallons mentioned in the last-mentioned letter; no entry of 199 ozs. gold dust in D or E; I received the 199 ozs., at £3 16s; prisoner used to pay for gold dust; £2,124 was paid into account of T. H. Mate & Co. at Beechworth, in March, 1856; I afterwards received that sum; in D, at 5th March, an entry—“Bank N. S. W., Beechworth, to cash for J. G. E., £1,964;” no entry charging me with that sum; (*looks at pass book, with memorandum book*);

February 6th, 1856, Credit	£145	4	6
March 1st, 1856	208	5	0
” 5th ”	119	1	10
” 12th ”	210	11	9

(*looks at E*); February 26th, 1856, remitted to Mr. G. Withers, Melbourne, £75; Withers my agent in Melbourne; prisoner, I believe, on premises when King came, in May; I asked prisoner for no explanation about King nor about Nicholls; *business at store, £30,000 a year; books indifferently kept; prisoner had to attend to whole.*

Re-examined:—Account at Beechworth not opened by my order or knowledge; account opened at Beechworth about 5th March; I heard of it when I went to Albury, in middle of March; (*looks at ledger B*) here is that bank account; first money, £241 15s, paid to Beechworth, December 22nd, 1855; (hand-writing of John Evans.)

2nd—January 15th, 1856	£40	0	0
3rd—February 5th ” (silver)	159	18	7
4th—March 5th ” (cash)	1,964	0	0
5th—March 15th ” (White’s Est.)	85	0	0

Debit side.

December 27th, 1855, by notes	241	0	0
January 21st, 1856, returned draft	40	0	0
March 20th, bank draft from T. H. Mate	2,200	0	0

I drew no cheque for items before £2,200; between May, 1855, and April, 1856, prisoner drew no cheques in my name; I have balance struck by prisoner on 21st March, 1855; balance of five years in favour of store £1,034 Gs. 1d.; I, brother-in-law, prisoner, and brother present when that was struck (*reads letter 10th May, 1856*); prisoner’s writing; left me then; I received this balance-sheet in that letter (*reads balance-sheet*) March, 1856, loss £7,348 12s. 5d.; I live at Tareutta, 80 miles from Albury; I visit Albury two or three times a year; at my last visit to Albury I called out from day-book to John Evans; prisoner’s duty to enter banking transactions in *day-book*; they have been so; I did not approve of balance £7,348 12s. 5d., and of some balances in the books; landed property mentioned in balance-sheet £400 too high, prisoner’s valuation; stock, prisoner’s valuation, too high; prisoner said he could not account for loss of £7,438; this erasure in balance

sheet when I received it; I asked for account of £11,000; he has never furnished it; he has not offered to correct balance sheet by my books; business good from March, 1855, to March, 1856; prisoner said "no bad debts in that year."

Cross-examined:—£1,250 was the sum I first put into business in 1850.

Re-examined:—199 oz. in a great measure paid for by me; I sent £300 to prisoner.

Thomas McGall, publican:—I know prisoner; between October, 1855, and March, 1856, I had several transactions with prisoner at Union Store, Albury; I bought goods at store. (*Looks at paper*); I received it from John Evans; prisoner at counter when I went to pay this account; prisoner told me to pay John in inside room; I did so; I owed Pollard in Sydney £731 18s. 6d., due on 12th February, 1856; I paid it with £7 6s. 4d. as commission to Mate for remitting the money; I paid the money £605 16s. 10d. in cash, and £133 8s. in promissory notes and orders; I got this receipt from John Evans; I said, "I've come to send this money to Pollard;" John Evans calculated the commission; I told prisoner I was going to send that sum to Pollard; none of notes and orders came back to me; I received an acknowledgment from Pollard of the receipt of the money.

Cross-examined:—Prisoner an irreproachable character; busy time (near post time) when I went to pay this money; prisoner was postmaster; prisoner busy at the counter.

Re-examined:—Alfred Evans principally attended to the Post Office. (*Receipt of M^cGall read*).

John King:—Was an innkeeper beginning of 1856, at Albury; had transactions with prisoner between October, 1855, and April, 1856; he had Union Store, Albury; (*looks at paper D*) prisoner's writing; I received it from him—(*paper D read*); I paid in £40 to be placed to my credit; paid in orders, cheques, &c.; none came back to me; I paid money to prisoner himself, I am almost sure; I have no doubt.

Mr. Blake addressed the jury for the prisoner; remarks on employment of John Evans; his fault not making entries.

John Lavington Evans:—Brother to prisoner; I assisted him at the Albury Store when I was in the establishment; I went there 3rd August, 1855, merely as a visitor; I left in May, 1856; I principally assisted in posting books and making accounts; while I was there I frequently saw Mate; frequently worked with me at same table, and assisted to make out accounts. (*Looks at M^cGall's receipt*); in my writing; I recollect receiving notes and cash towards this sum; £133 8s. was made up of a credit to him in the books of the store; I received £605 16s. 10d. from M^cGall, in bank notes and silver; I know Beechworth; I tied notes up and put them in safe, and on 3rd March I took £605 16s. 10d., with other money of establishment, to Bank of New South Wales, Beechworth; I paid in a sum of money, and called it £2,160, but it was £36 less.

Cross-examined:—Prisoner kept the key of the safe; he knew I had received money from M^cGall; we did not balance cash every night; very seldom balanced, but balanced before I took money to Beechworth; I did not tell prisoner what money I got from M^cGall; I was not a clerk; not employed by Mate; I took money to Beechworth for safety; I drew no drafts on Beechworth Bank; I am not aware that my brother did so. (*Looks at Beechworth bank account*) Those drafts in my writing, December 27th, for notes from Beechworth Bank; I do not know who drew cheques for that, March 20th; I do not know who drew the draft for the next item to £40 returned note; I got the £2,160 less £36 from the safe; before I went to Beechworth he said, "We have a large sum in safe, which would be safer in bank at Beechworth." I went to Melbourne last year with Mr. Atkins; I was at house of Withers; a posting of mine on 12th and 19th February; I think I may have been at Melbourne that week; I brought home things from Withers to prisoner; my brother had key of safe whilst I was away; I took down to Beechworth £1,900 odd; I took to Beechworth the identical notes I received from M^cGall; I have seen Mate take cash-box out of safe.

Cross-examined:—I can't state the month he did so; I have seen him go to the safe when prisoner not present; I never saw Mate take anything out of safe except box to see notes in it.

David Reeve:—I know prisoner six or seven years, at Albury—reputation good for honesty.

Rees Jones:—I know prisoner for ten years—character good for integrity.

George Barber:—I know prisoner—his character high for honesty.

James Wise:—I know prisoner since 1850—high character for honesty.

Mate:—From 1st August, 1855, to 31st March, 1856, I never saw key of safe; I was at Albury one week in November, half a day in January, and an hour in February; I did not then take cash out of safe, or look at notes.

Mr. Holroyd replied.

VERDICT—Guilty on all three counts—five years on roads, &c., for each offence, to commence and end at same time.

4.

In the matter of William Bird Evans, convicted of embezzlement at the Circuit Court holden at Goulburn, in the month of March, one thousand eight hundred and fifty-seven.

I, Isaac Burham Kirby, of Yackandandah, licensed victualler, do hereby solemnly and sincerely declare, that on or about the third day of January, one thousand eight hundred and fifty-six, I sold to Thomas Hodges Mate and Company, of Albury, three hundred and thirty-nine ounces three pennyweights and eight grains of gold dust, for the sum of twelve hundred and eighty-eight pounds sixteen shillings and eight-pence, and that I received from the said William Bird Evans on that day the sum of four hundred and eighty-eight pounds sixteen

sixteen shillings and eight-pence; and I further declare, that on or about the tenth day of January, one thousand eight hundred and fifty-six, I received a cheque, drawn by Thomas Hodges Mate, on the Union Bank, Melbourne, for the sum of eight hundred pounds, which cheque was dated at Tarcutta, fourth day of January, one thousand eight hundred and fifty-five, and that I did, on or about the twelfth day of January following, receive the other half of the said cheque, which said cheque was for payment of the balance of the said sum of twelve hundred and eighty-eight pounds sixteen shillings and eight-pence, the price at which I sold the said gold dust. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

ISAAC B. KIRBY.

Declared and subscribed by the said declarant, at Yaekandandah, }
in the Colony of Victoria, this twentieth day of May, one }
thousand eight hundred and fifty-seven, before me. }

HENRY BOWYER LANE, J.P.

6.

REGINA v. WILLIAM BIRD EVANS.

At the close of the Judge's charge I asked His Honor what was the amount of money paid by the prisoner to Mr. Mate from 1st January to 1st April, 1856. I understood His Honor to state, in reply, a sum of £2,100, paid into the Bank at Beechworth, and 199 ounces of gold, but which we were not to take into consideration, as Mate sent £800 expressly for it. I did not then know that sums amounting to upwards of £4,500 had been paid by the prisoner to Mate about the month of February, when the sum of £739 was alleged to have been embezzled. If I had the fact of so large a sum having been paid in on or about the month of February, 1856, present to my mind when considering my verdict, I would not have found the prisoner guilty. I am aware that several of the jury had the same impression I had as to the amount remitted.

C. FITZPATRICK,
Juror.

REGINA v. EVANS.

We, the undersigned, jurors in the above case, labored under the same impression as Mr. C. Fitzpatrick, as to the sums paid by the prisoner to Mate.

WILLIAM FLETCHER.
GEORGE DUNN.
CHAS. GILLESPIE.
DANIEL GREENFIELD.

7.

In the matter of William Bird Evans, convicted of embezzlement at the Circuit Court holden at Goulburn, on the twenty-sixth day of March, one thousand eight hundred and fifty-seven.

I, John Lavington Evans, of Albury, in the Colony of New South Wales, storekeeper, do hereby solemnly and sincerely declare, that on the 3rd day of March, one thousand eight hundred and fifty-six, I paid into the Bank of New South Wales, Beechworth, to the credit of Thomas Hodges Mate & Co., the sum of one thousand nine hundred and sixty-four pounds, which amount forms part of the sum of two thousand two hundred and thirty-three pounds seven shillings, which stands debited to Thomas Hodges Mate in the books of Mate & Co., on the twenty-second day of March, one thousand eight hundred and fifty-six, and that the amount paid by John McGall (one of the witnesses against the said William Bird Evans) in notes and cash to the prisoner, namely, six hundred and six pounds, formed part and parcel of the said sum of one thousand nine hundred and sixty-four pounds; and I do further declare, that, with one exception, the said Thomas Hodges Mate drew all cheques that were drawn upon any bank wherein the moneys of Thomas Hodges Mate & Company were deposited, either in his own name or in the name of Thomas Hodges Mate & Company, and that, with that one exception, William Bird Evans did not draw any cheques; and I do further declare that the eight hundred pounds cheque, stated by the prosecutor in his evidence to have been sent for the payment of one hundred and ninety-nine ounces of gold dust, was for payment of a balance due to one Mr. Kirby, of Yaekandandah, on the purchase of upwards of three hundred ounces of gold dust sold by him to Thomas Hodges Mate & Company, in January one thousand eight hundred and fifty-six; that this declarant did, on the fifth day of January, one thousand eight hundred and fifty-six, send one half of the said cheque to the said Mr. Kirby; and that he did, on the eighth day of January then next, send the remaining half of the said cheque to the said Mr. Kirby, the same being handed to this declarant for that purpose by the said Thomas Hodges Mate; that the other portion of the purchase money for the said gold so purchased

purchased from Kirby was paid by the said William Bird Evans at the time of sale out of moneys received by him in the store; and I do further declare, that in many instances where Mate and Company transacted monetary business as bankers, those transactions were not passed through the books, and that the prosecutor was perfectly aware of this, and never complained that such a course was irregular. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

JOHN LAVINGTON EVANS.

Declared and subscribed at Albury, in the Colony of New South }
Wales, this twenty-fifth day of April, A.D. 1857. }

JEFFERY J. KEATINGE, J.P.

8.

In the matter of William Bird Evans, convicted of embezzlement at the Circuit Court holden at Goulburn, in the month of March, one thousand eight hundred and fifty-seven.

I, David Hunter Ballantyne, of Albury, in the Colony of New South Wales, Presbyterian Minister, do solemnly and sincerely declare, that on or about the eighth day of May, one thousand eight hundred and fifty-six, I was present with the Reverend Henry Elliott, Thomas Hodges Mate, John Lavington Evans, and the prisoner, William Bird Evans, at the Union Store, in Albury aforesaid, when the said William Bird Evans stated, that as differences had arisen between himself and Mr. Mate, he had asked the said Reverend Henry Elliott and myself to be present, to endeavour to arrange such differences; and I declare that I asked the said Thomas Hodges Mate if he would submit the matters in dispute to arbitration, and that, in reply, the said Thomas Hodges Mate said he would not do so, that there was no necessity for arbitration, that he would not abide by it, and that he would not bear any part of the expense, and he the said Thomas Hodges Mate resisted the mediation as altogether unnecessary; and I further declare that on the said eighth day of May he, the said Thomas Hodges Mate, said that he would bear no part of the expense of an accountant examining the books; and I further declare that I remarked to the said Thomas Hodges Mate that it would be satisfactory to the said William Bird Evans if he, the said Thomas Hodges Mate, shewed his bank-book, to which he replied, "I will shew my bank-book to no one; there are thousands and tens of thousands of pounds in my bank-book besides the money connected with the store." And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

DAVID HUNTER BALLANTYNE.

Declared and subscribed by the said David Hunter Ballantyne, at }
Albury, in the Colony of New South Wales, this nineteenth }
day of May, 1857, before me, }

W. A. MACDONOUGH,
Commissioner for Affidavits.

9.

In the matter of William Bird Evans, convicted of embezzlement at the Circuit Court holden at Goulburn in the month of March, one thousand eight hundred and fifty-seven.

I, Walter Miller, of Albury, in the Colony of New South Wales, gentleman, do hereby solemnly and sincerely declare, that in or about the month of April, one thousand eight hundred and fifty-six, I was present at the Union Store in Albury aforesaid, when William Bird Evans asked Thomas Hodges Mate to refer all matters in dispute between them to arbitration; in reply to which the said Thomas Hodges Mate said, it was not a case for arbitration, or words to that effect. And I do further declare, that in the said month of April, in reply to frequent requests of the said William Bird Evans, that the said Thomas Hodges Mate would shew his bank-book, I have heard the said Thomas Hodges Mate frequently refuse to shew any one his bank-books. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

WALTER MILLER.

Declared and subscribed by the said declarant, at Albury, in }
the Colony of New South Wales, this twenty-first day of }
May, 1857, before me, }

JEFFERY J. KEATINGE, J.P.

10.

In the matter of William Bird Evans, convicted of embezzlement at the Circuit Court holden at Goulburn, in the month of March, one thousand eight hundred and fifty-seven.

I, Ann Rees Jones, the wife of Rees Jones, of Yass, in the Colony of New South Wales, storekeeper, do solemnly and sincerely declare, that I have been acquainted with Thomas Hodges Mate, of Tarcutta, storekeeper, for twenty years; that he has been constantly in the practice of calling at my house during the last nine years; that I have had frequent conversation with him relative to the business carried on at Albury, then under the superintendence of Mr. W. B. Evans, whom I have also known the last nine years as a young man of *high character and business qualifications*, and that he served two of those years in our establishment at Yass, during which period Mr. Mate had frequent opportunities of witnessing those qualifications, and, in course of time, induced Mr. Evans to join him in partnership in business at Albury. The arrangement made between them was, that Mr. Evans was to have half the profits made in that business for his services for three years, during which time I had frequent opportunities of hearing of their success, of the immense business carried on by them as partners, and also of the large profits obtained.

At, or about the close of the three years, Mr. Mate said to me, in my house, "If Mr. Evans will not consent to take the business again, I do not know what I shall do—I cannot carry it on—I can only call in an auctioneer and sell off"—thus shewing how he valued Mr. Evans' services.

And, at another time, in speaking on the same subject, Mr. Mate said to me, "It is astonishing the profits Evans gets; I cannot think how he manages it—I could not do it"; and again, he, Mr. Mate said, that they had at one time so much money in the store they did not know where to place it for safety.

That, at the expiration of the above-named three years' partnership, Mr. Mate asked Mr. Evans to take it for another three years. Mr. Evans declined, wishing to go home to see his parents, but, business being very flourishing at that period, Mr. Evans was induced to take it for two years only; and, to my certain knowledge, he and Mr. Mate went on in an amicable way, and to the satisfaction of both parties, and that Mr. Mate at all times expressed himself pleased with the unwearied diligence of Mr. Evans to business.

At the termination of the last two years' partnership a dispute arose in reference to the settlement of accounts, Mr. Mate having made out a balance sheet shewing in his own favor a balance of £34,282, and Mr. Evans after the five years' labor was brought in in debt.

It was proposed at this period, at Mr. Mate's earnest solicitation, that Mr. Evans should carry on the business for another twelve months, he, Mr. Evans, naming the salary himself, which, after some hesitation on the part of Mr. Evans, he consented to do so, at a salary of a £1,000 per annum, and from my certain knowledge Mr. Evans acceded to this arrangement only in the hope that during the twelve months he and Mr. Mate should have time to examine the books and accounts, in order that a fair division of the profits should rateably as equal participators be made, as Mr. Evans was impressed with the belief that a very large amount of profit had been made during the partnership.

From my long knowledge of Mr. W. B. Evans I do not, nor can I in any way think him guilty of the charge brought against him, and that Mr. Evans did at all times do his utmost to promote the interest and increase the business with which he was connected; but that from excess of duty and pressure of business Mr. Evans was unable to keep his books with that exactness he otherwise would have done.

That, being fully impressed of the innocence of the said William Bird Evans, his integrity and uprightness, I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, and intituled "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

ANN REES JONES.

Declared and subscribed before me, at Yass, in the Colony of }
New South Wales, this twenty-ninth day of April, A.D. }
1857.

J. STILES,
Commissioner of Supreme Court for Affidavits.

11.

UNION STORE, 31st MARCH, 1855.

LIABILITIES.		ASSETS.	
1855.		1855.	
31 March.		31 March.	
T. H. Mate's Account	£ 33,270 10 3	Book Debts	£ 19,690 9 8
Sundry debts due by Union Store	8,561 5 1	Cash and Securities	4,550 10 9
Balance	1,084 6 1	Stock	17,357 11 0
		Landed Property at Wodonga and Albury	667 10 0
		Improvements made to Union Store—amount allowed	600 0 0
		Bad and doubtful Debts	.....
		Half Notes lost in the Mail Robbery	.....
	£ 42,866 1 5		£ 42,866 1 5
	Memo.		
Half Notes stolen from the Mail	255 0 0		
Bad and doubtful Debts	563 14 3		

UNION STORE, 31st MARCH, 1856.

LIABILITIES.		ASSETS.	
1856.		1856.	
31 March.		31 March.	
Debts due on Current Accounts	£ 5,982 10 10	Gold, Silver, and Notes in Cash Box	£ 1,597 15 5
Debts due to Depositors	931 11 0	Debts due to Store	18,057 14 4
T. H. Mate's Account	34,282 1 2	Amount of Stock	12,784 10 10
		Landed Property at Wodonga and Albury	1,407 10 0
		Balance—Loss	7,348 12 5
	£ 41,196 3 0		£ 41,196 3 0

The within is only an approximation of trading of T. H. Mate & Co., there being several large amounts—such as Jarvis' and C. H. Morris'—which have been allowed this year, but which actually should have been charged last year. There is also a sum of eleven thousand odd pounds credited Mr. Mate, but which T. H. Mate & Co. have no means of knowing whether it is correct or not.

W. B. EVANS.

APPENDIX.—This Balance Sheet was struck previous to the correction of Nichols' Account.

W. B. EVANS.

This is the paper writing marked A, referred to in the affidavit of William Bird Evans, sworn before me this sixth day of June, A. D. 1857.

AUG. CARTER.

12.

Sydney, 17 July, 1857.

Wm. B. Evans has been known to me for 17 or 18 years; his father was a merchant of high character in the City of London, and his family, several members of which I know intimately, are highly respectable. With reference to Evans' present unhappy position, having made myself somewhat acquainted with the details and facts of his connection with the prosecutor, I have formed the opinion that Mate and Evans have not been on good terms for a long time past;—bad temper, misunderstanding, and mistrust have grown into hatred, malice, and persecution. I am assured that, equitably, they were partners, and that Evans' fault was, that, in the management of a very large business, he did not keep up his books—and hence a charge of embezzlement has been proved. If he had known the exact nature of the charge before the trial he would have been able to offer evidence completely contradictory of that which was brought against him.

JOHN FAIRFAX.

*Double Bay,**Sydney, 18 July, 1857.*

Mr. W. B. Evans was introduced to me about sixteen years ago, by his most worthy father and uncle. I was never more surprised than to hear that he was found guilty of embezzlement. I believe that he is a thoroughly honorable and upright man, and that he is utterly incapable of doing anything that is mean or dishonest.

ROBERT ROSS,

Congregational Minister.

W. B. Evans' family are very respectable; himself I have known since his arrival in the Colony. I verily believe him to be innocent of the robbery, but is much to blame for the careless manner he conducted the partnership business.

DAVID JONES, M.L.C.

We have known W. B. Evans for several years; have had excellent opportunities of forming a correct opinion of his character; and we say, without hesitation, that we consider him to be a man of the highest principles of honor and integrity. We are fully acquainted with the details of his present position, and the unfortunate circumstances which have brought him into it, in our opinions, are—a desire to do too much by his own personal exertions, and that, consequently, with the charge of a business far too much for any one man, he has allowed his books and accounts to get plunged into arrears and confusion. Our opinion of his honesty and integrity of action remain unchanged, of which we should be glad to give good proof in re-establishing him in business.

GEORGE A. LLOYD & Co.

Having been acquainted with William Bird Evans for the last four years, and resided in the same town for a considerable time, and have had many business transactions with him, I feel myself justified in expressing an opinion as to his innocence of the crime of embezzlement for which he has been convicted. Mr. Evans was always considered a man of principle and integrity in the neighbourhood of Albury. Believing him still to be an honest man, I would not hesitate to place the same confidence in him as heretofore.

Margaret-street,
17 July, 1857. }

R. W. W. HATTON.

I was first acquainted with Mr. W. B. Evans in the year 1844, and from my knowledge of him then, and since, I always believed him to be a man of the strictest integrity, and incapable of a dishonest action. Notwithstanding his present unfortunate position my confidence in him remains unshaken.

R. W. ROBBERDS,

158, *George-street, Sydney.**Sydney, 109, Pitt-street,**22 July, 1857.*

I have known Mr. William Bird Evans for a period of twelve or fourteen years; he held a responsible situation in my service for a period of two years, and I have had consequently frequent opportunities of observing his general character, and so satisfied was I with his conduct, that I should have had no hesitation in placing under his hand any amount of property. I conscientiously believe him to be innocent of the crime for which he is now undergoing sentence. I have had frequent interviews with the prosecutor in this case during the time of their partnership, and up to the time of trial. Prosecutor invariably spoke of him in the highest terms, and of his indefatigable exertions in the business, which had increased to a large extent, stating, that he was working night and day, and he was so wrapped up in the business that prosecutor believed he would kill himself unless he was more careful. During one of my visits to Albury prisoner appeared much care-worn and ill, and assured me that he was working all day, and writing half the night, and that unless some further assistance was procured he should be compelled to give up. I persuaded him to withdraw for an hour for

for a little rest, and I volunteered to look after the store to enable him so to do; he retired, and slept from noon until evening. At that time he could not be spared to his meals, and I have seen the mid-day meal untouched until evening. My firm belief is, that prosecutor does not believe him to be guilty of embezzlement, for I have been informed by an acquaintance of the prosecutor's, and I verily believe the same to be true, that the prosecutor stated to him that he did not believe prisoner had stolen any of his moneys, but he believed somebody had, and as prisoner was the responsible party he must suffer. I would also state, that prisoner was destitute of means to prosecute his suit before the Supreme Court, and that his wife, since his imprisonment, has been supported in part by myself, and has found employment at her needle; and that, conscientiously believing in his innocence of this crime, I have found the means to enable him to make his appeal by counsel. I do also firmly believe that he had not sufficient clerical assistance; and if any errors have arisen, they have arisen, not from any dishonesty on his part, but from the impossibility of his performing all the duties required of him in a country store, transacting business to so large an amount.

JOSH. THOMPSON, JUNR.

*Fort-street,
Sydney, 20 July, 1857.*

I have known Mr. William Bird Evans for a number of years, and have had during that time good opportunity of forming a judgment of his character. I have always regarded him as a man of the best principles, honorable and upright. I was astonished to hear of his trial, and still more of his conviction, on a charge of felony. From all my knowledge of him before his trial, and from all I have heard since, I have a strong conviction of his innocence.

ALEXR. SALMON,
Presbyterian Minister.

*Hilton, Darlinghurst,
22 July, 1857.*

I have known Mr. William Bird Evans for several years, and have during that time had many business and other transactions with him, of such a nature as to afford me good opportunities of judging of his character and principles.

I have always considered, and do still consider, him a thoroughly upright and honest man, and cannot bring myself to believe him guilty of the charge for which he has been convicted.

WM. THOMPSON.

*North Terrace,
Macquarie-street.*

With reference to William Bird Evans, whose petition is herewith annexed, I beg to say that I have known him for the last eighteen years, during which time I at all times found him a strictly honorable man in all his business, as well as social transactions, and still consider him to be such; and also feel assured that, notwithstanding the results of his trial and conviction, that had the facts of his case been given in evidence, which, in consequence of his being taken by surprise, was shut out, that he would have been honorably acquitted, and proved to have been innocent.

J. THOMPSON.

I have known William Bird Evans since the year 1842, and have always found him strictly honorable in his transactions, as well as highly respectable in his conduct; and, notwithstanding his present unfortunate position, I believe him incapable of committing a dishonest transaction.

I also know that his family are highly respectable in England.

17th July, 1857.

CHAS. CHAPMAN,
343, George-street, Sydney.

I feel pleasure in thus certifying in respect to William Bird Evans, now confined in the prison at Darlinghurst for an alleged embezzlement, that, from a misconception of the jury, and the non-production of facts which ought to have been, but were not produced, has the said W. B. Evans been found guilty; and I feel assured, from the twelve years I have had business transactions, I have always found him strictly honorable; and, notwithstanding his present position, I would trust him for integrity in any business transaction.

JACOB INDER,
148, Park-street.

I have known Mr. W. B. Evans for these last fifteen years, in a social as well as a business point of view, and which involved transactions of importance; and notwithstanding his conviction, my good opinion remains firm and unshaken in his innocence and untainted integrity as a good citizen. I much regret that the whole facts of his case were not produced on the trial, as, in all probability, instead of being found guilty he would have been honorably acquitted, and saved from the painful position of his imprisonment and wreck of character to which he has been subjected. He had and claimed from me at all times an unblemished share of the fullest confidence, and still possesses it. I have entrusted him with

with a considerable amount of my joint property to the Islands, and afterwards appointed him to the management of a business establishment at Scone, in this Colony; in all which transactions I ever found him actuated by principles of the strictest integrity.

20th July, 1857.

R. M. PITF,
42, Kent-street.

I have known William Bird Evans the last fifteen years, and have ever observed his uniform good conduct, both in business matters and in private; and, notwithstanding his present unfortunate position, have still the highest opinion of his integrity. I have had a large amount of property under his care, and always found him honest and upright in his dealings.

SAML. THOMPSON,
Manona Cottage, Redfern.

No. 22.

THE UNDER SECRETARY to MR. JUSTICE DICKINSON.

Colonial Secretary's Office,
Sydney, 27 July, 1857.

SIR,

Referring to your Honor's letter of the 22nd instant, I am directed to transmit to you, for report, the accompanying letter from G. S. Yarnton, Esq., covering a Petition from W. B. Evans for a free Pardon, together with various papers relating to his case. 22 July, 1857.

I have, &c.,

W. ELYARD.

HIS HONOR MR. JUSTICE DICKINSON.

No. 23.

THE UNDER SECRETARY to MR. YARNTON.

Colonial Secretary's Office,
Sydney, 27 July, 1857.

SIR,

Your letter under date the 22nd instant, on the subject mentioned below, has been duly received and referred for the report of His Honor Mr. Justice Dickinson.

2. As soon as the necessary information has been obtained, a further communication will be made to you.

I have, &c.,

W. ELYARD,

Under Secretary.

Subject:—Remission of sentence of W. B. Evans.

G. S. YARNTON, Esq.,
63, Pitt-street, Sydney.

No. 24.

MR. JUSTICE DICKINSON to THE COLONIAL SECRETARY.

Supreme Court,
30 July, 1857.

SIR,

I have the honor to acknowledge the receipt of your letter of July 27th, and a petition from the person named in the margin, with other documents herewith returned. W. B. Evans.

For more easy reference, I have numbered with a pencil the several paragraphs of that petition.

It is unnecessary for me to make any observations on the first six paragraphs.

As to the seventh paragraph, the explanations at the foot of the second balance sheet were carefully read over to the jury.

As to the eighth paragraph, I do not see how the non-statement or non-settlement of accounts therein alleged affects the case upon which the petitioner was convicted. With more explanation I may perhaps hereafter perceive its relevancy, but at the present I confess my inability to perceive it. The petitioner's affidavit I should not be disposed to attach much weight to, unless it should be corroborated by the other documents. That affidavit is

very full of statements about the dealings between the petitioner and his employer; but I do not perceive how the facts alleged in it bear specifically on the three charges of embezzlement upon which the prisoner was convicted.

In the affidavit there is an allegation that £800 was paid by Mate to Mr. Kirby, and not for the 199 ounces of gold, as sworn to by Mate. Mr. Kirby by his declaration confirms the statement that £800 was paid by Mate to him, but as Mate swore at the trial that he paid £800 for the 199 ounces of gold, it may be that Mate paid two sums of £800. As for the statements of account between Mate and the petitioner, if it could be made out that the balance sheets produced at the trial were incorrect, and that the state of account really ought to be as stated by Mr. Archibald Campbell, in his certificate, I think their might be a fair ground for granting a pardon to the petitioner; for, had such appeared to be the state of account at the trial, the jury, not improbably, would have acquitted the petitioner.

As to the ninth paragraph, it does not appear to me that Mate's evidence—that he paid £800 for the 199 ounces of gold—influenced the five jurymen therein mentioned. For, on referring to the statement of Mr. C. Fitzpatrick, I gather that he would have delivered a verdict for the petitioner had he then before his mind the fact that the petitioner had paid to Mate in February, 1856, the sum of £4,500. I have looked most carefully over my notes, and I can see no evidence of such a payment that ought to have been before that jurymen's mind. The same remark applies to the other jurymen who agree with Mr. Fitzpatrick.

I have considered carefully all the papers transmitted to me, and regret that I am not yet in a position to make any recommendation in the petitioner's favor. I do not affect to conceal the fact that I feel very much embarrassed about this case. I have no doubt that the jury were influenced by the balance sheets rendered by the defendant. He may yet shew he was mistaken in making out those balances. It is evident that there was very slovenly book-keeping at the establishment. The petitioner appears to have been willing that the accounts should be examined.

He appears to have borne an excellent character, according to a host of witnesses of first rate respectability; and though I was not, nor am, *on the evidence* dissatisfied with the verdict, yet, had the verdict been the other way, I should have thought the jury might have been justified in feeling a reasonable doubt.

If the petitioner's friends will bear the expense, I beg leave respectfully to advise His Excellency the Governor General to employ some competent accountant to examine the state of accounts between the petitioner and Mr. Mate; also, that Mr. Mate should be invited to share in and assist in that inquiry, and to direct the Managers of the Union Bank at Melbourne, and the Commercial Bank in Sydney, to furnish the petitioner with particulars of sums remitted by him to Mr. Mate's account. I beg leave also to recommend, that a copy of this letter be sent to Mr. Yarnton, in order that he may know how to deal with the materials with which he may be hereafter supplied in such a manner as that I may see precisely how the petitioner makes out every point he may suggest. As the case stands on the papers before me, all that I can gather is, that, some how or other, the petitioner may be innocent.

I have, &c.,

J. N. DICKINSON.

THE HONORABLE
THE COLONIAL SECRETARY.

No. 25.

THE UNDER SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,
Sydney, 6 August, 1857.*

SIR,

Referring to my letter of 6th June last, I am directed to state, for your information and guidance, that His Excellency the Governor General has been pleased to approve of the prisoner named in the margin, under sentence of five years hard labor on the roads, being retained in Darlinghurst Gaol for the present.

W. B. EVANS.

I have, &c.,

THE SHERIFF.

W. ELYARD.

No. 26.

No. 26.

THE UNDER SECRETARY to MR. YARNTON.

*Colonial Secretary's Office,
Sydney, 7 August, 1857.*

SIR,

Referring to my letters of the 20th and 27th ultimo, respecting applications submitted by you for mitigation of the sentence of W. B. Evans, I am directed to enclose, for your information, a copy of the report that has been obtained from Mr. Justice Dickinson on the prisoner's case, and to state that, if Evans' friends will bear the expense, a competent accountant will be employed, as recommended by His Honor, to examine the state of accounts between Evans and Mr. Mate, who will also be invited to share in and assist in the inquiry, and requested to instruct the Managers of the Union Bank at Melbourne, and the Commercial Bank in Sydney, to furnish Evans with particulars of sums remitted by him to Mr. Mate's account. 30 July, 1857.

2. The enclosures to your letter of the 22nd ultimo are herewith returned; and an order has been given for the retention of Evans in Darlinghurst Gaol, instead of being forwarded to Cockatoo Island.

I have, &c.,
W. ELYARD.

G. S. YARNTON, ESQ.,
63 Pitt-street, Sydney.

No. 27.

MR. YARNTON to THE COLONIAL SECRETARY.

*63, Pitt-street,
28 August, 1857.*

SIR,

I have the honor to acknowledge the receipt of a letter from your office dated 7th instant, wherein it is stated that, if Mr. Evans' friends will bear the expense, the Government will be prepared to appoint a competent accountant to investigate the accounts between Mr. Mate and Mr. Evans; and, in reply thereto, I am instructed to inform you, that Mr. Evans' friends will bear the expense of the proposed inquiry, if on farther consideration His Excellency should deem that course advisable; but, from circumstances within their knowledge, they believe that Mr. Mate will refuse to concur in any investigation of the accounts, and that, in the absence of any power to compel him to produce the invoices of the disputed £11,000, the way-bills relating thereto, and the stock lists, in his own handwriting, and to furnish accounts of all moneys paid to his credit in either of the banks, with the names of the depositors, the proposed inquiry will be futile, and will only cause unnecessary expense and delay.

From a perusal of the letter of His Honor Mr. Justice Dickinson, I gather that some of the allegations in the petition are not sufficiently apparent to His Honor's mind, and that if further proof or explanation can be given there will be no objection to a further consideration of the matters relied on. As forming the grounds upon which His Excellency may interfere, I would therefore suggest:—

1st. That the several sums remitted and paid by the prisoner during the three months ending 31st March, 1856, as set forth in the enclosure, amount to upwards of £12,000, and for the nine months ending 31st December, 1856, to £21,008 5s. 3d.; and this will appear from the books produced by the prosecutor on the trial as to the greater portion, and as to the residue, from the Judge's notes. And as I understand the certificate of the jurymen to amount to this, "That had they known at the trial, as they now understood the fact to be, that so large an amount was remitted to the prosecutor in or about the month of February, 1856, they would have acquitted the prisoner." I would respectfully urge upon his Excellency's consideration, that there was evidence produced, which ought to have been present to the jurors' minds, of the sums remitted to the prosecutor; and that the jury not having considered all the evidence, as appears by their certificate, a pardon should now issue, for the reason that the arguments submitted in this paragraph would induce the Court to grant a new trial if they possessed the power, and that not having such power His Excellency will, as the only remedy, exercise the Royal prerogative.

2nd.

2nd. That it appears by the affidavit of the prisoner, and other evidence, that £800 was remitted to him by the prosecutor on January, 1856, and it is just possible that a like sum was remitted in February; but unless the prosecutor can clearly shew, by the production of the cheque or otherwise, that £800 was remitted in February, the prisoner's evidence must prevail, and consequently so much doubt will be thrown on the prosecutor's statement, that on this ground alone His Excellency may exercise the Royal clemency.

3rd. If it shall be made apparent that the 199 ounces of gold dust were not paid for by Mate, and as it appears that the postage stamps were Evans' own property, and were paid for by him,—as these two sums will cover the amount of the alleged embezzlements, I submit this as a separate and sufficient ground for the issue of a pardon.

4th. I would further suggest that the non-settlement of accounts between the parties bears materially upon the question of the charges of embezzlement; for, if it be true that a portion of the sum claimed—say £1,000—only is coming to the prisoner for the five years' trading, the prosecutor has not been injured, even taking it for granted that the prisoner pocketed the sums alleged to be deficient, and supposing them to have been uncovered by the postage stamps and the gold dust; but if the sum claimed by the prisoner is due to him, a motive is supplied for this prosecution, viz.—to prevent the prisoner from taking any proceedings in respect of the matter of account. Then, again, the production by Mate of the balance sheet, claiming £6,000 over and above the value of the whole of the assets and stock-in-trade, his subsequent abandonment of this amount, and surreptitious appropriation of Bear & Son's draft, (and this latter circumstance will appear by the books), tend to throw very great doubts on his integrity and honesty of purpose. I should here mention a circumstance which has been omitted in the affidavit, and which I believe will appear by the books: Evans supplied to the Government at Albury a punt. The value of £500 was forwarded by Mr. Greenhill, of the Treasury, to Mate's credit at the Commercial Bank, and although the latter was informed of the circumstance by a letter from the Treasury, he never communicated with Evans on the subject, nor credited the firm of T. H. Mate & Co. with the amount; and it was not until some months afterwards it was discovered, by mere accident, that the amount had not been carried into the accounts, and I am informed that many similar instances will appear in which the amounts have never yet been allowed. I would also submit that the third paragraph of the petition has a very material bearing upon this case; for, I conceive the prisoner was very considerably prejudiced on the trial by the fact of his counsel not having been furnished with a copy of the first balance sheet by reason of its non-production at the Police Office. It appears to me a fair presumption that the cross-examination of Mate as to the half-notes was lost sight of, by reason of the counsel's attention not having been called to the matter by a previous sight of this balance sheet. Then, again, on comparing the two balance sheets carefully together, it becomes apparent that the explanation at the foot of the one affects the other, and would alter its entire character, although this would not perhaps appear from a hasty glance given during the progress of the trial. I certainly expected both balance sheets would have been produced on the argument of the special case, and I never saw a copy of the first one until after the Court had pronounced judgment; and I must say that arguments suggested themselves to my mind against the admissibility of these balance sheets in evidence, which were deemed tenable by counsel, but which never could have presented themselves by the perusal of one only of such balance sheets. The first balance sheet is up to the 31st March, 1855. The arrangement under which the profits were to be divided did not expire until 30th April following, so that the first balance sheet should have been for thirteen months, and the second one for eleven months, which would clearly have altered the amount of balance in each. If my memory does not fail me, it was stated by His Honor the Chief Justice, on the argument of the special case, that the balance sheets were admissible, to shew that, by the first, the prisoner admitted a balance in favor of the firm, and, by the second, a considerable deficiency, or loss. But I submit, with great respect, that this is not a correct conclusion, inasmuch as, by carrying out the sums represented by the half-notes and the bad and doubtful debts, and allowing them to form the sixth and seventh items on the right-hand side of the account, the balance will be reversed. Then, I further submit, the second balance sheet is not evidence of an admission of any deficiency, inasmuch as £11,000 is not admitted to be due; and I submit that, in an action by Mate against Evans to recover £7,348 12s. 5d., this balance sheet would not be evidence of an account stated in the absence of proof of the correctness of the £11,000, or some portion of it. His Honor

Mr.

Mr. Justice Dickinson says the explanation at the foot of the second balance sheet was read over to the jury; but, I would submit, with the greatest respect, that they should have been told to consider whether the second balance sheet was an admission of any deficiency, seeing the prisoner disputed the correctness of £11,000; and also to take into consideration the effect of the introduction of Jarvis and Moore's accounts into the first balance sheet. But, if I am incorrect in this conclusion, I confidently submit that, besides the half-notes and bad debts, Jarvis and Moore's accounts should now be considered in connexion with the first balance sheet, and it will then cease to be evidence of a surplus, and that the £11,000 should be deducted from the £34,000, in the second balance sheet, which will then be no longer evidence of a deficiency; and I submit this is evident from a perusal of the two documents. I do not find anything in the evidence to shew that the sums alleged to have been embezzled did not reach the prosecutor; but it is clear, from the Judge's notes, that neither the money paid into the Beechworth Bank, in the beginning of March, 1856, nor the gold dust, amounting together to nearly £3,000, was ever charged to the prosecutor in the books, and, as it seems to me, could not have been taken into consideration in framing the balance sheets. In each of these documents, on the left hand, I find a considerable amount inserted as "T. H. Mate's Account," but there is no item on the opposite side of "The Union Store Account," or "T. H. Mate and Company's Account against T. H. Mate," and which clearly ought to have been inserted in lieu, or in reduction, of the balance loss of £7,348 12s. 5d.; and I submit it is evident that the remittances appearing in the books, and amounting to upwards of £21,000 for the nine months ending 31st December, 1856, have been omitted from the first balance sheet, and that the further sum of upwards of £9,000, also appearing in the books as remitted during January, February, and March, 1856, and exclusive of the moneys paid into the Beechworth Bank, and the gold dust before-mentioned, have been omitted from the second balance sheet; and I would call particular attention to the words at the foot thereof—"This is only an approximation of trading." But I would urge that the case may be brought down to a much narrower compass, whereby it will appear the second balance sheet is incorrectly made out; viz. :—Deduct from Mate's account of £34,282 1s. 2d. the £11,000 disputed by Evans, and, instead of a balance deficiency, you have a profit of £3,651 7s. 7d., and I submit the meaning of the balance-sheet is this—"If you, Mr. Mate, will prove to Mate & Co., or Evans, that your account is £34,000, there is a deficiency of £7,033, for which I cannot account; but I dispute £11,000 of this amount, and there are other matters improperly introduced; and in the mean time this is only an approximation of the trading of T. H. Mate & Co. In support of this view I forward a balance sheet, which I have endorsed, in red ink, 'Amended Balance Sheet,' and I have therein taken advantage of the £11,000 only."

I would further suggest, that considering this was before the Supreme Court *in Banco*, His Honor Mr. Justice Dickinson might call in the aid of his learned colleagues to assist him in reporting thereon, and thereby in a measure relieve himself from that embarrassment which he acknowledges feeling in respect of this matter. If His Excellency should be of opinion that sufficient has not been shewn to justify him in issuing a pardon, then I would suggest that Her Majesty's Attorney General may demand from the prosecutor the production of the cheque for £800 alleged by him to have been forwarded to the prisoner in February, 1856, and also the whole of the books produced on the trial; which books consist of six (6) petty day-books, one (1) deposit book, one (1) license and approbation book, eight (8) day-books, one (1) ledger, one (1) cash-book; and I have further to request, that at the same time His Excellency will allow the name of the Attorney General to be used in a suit in Equity to be instituted against Mr. Mate, for a statement and settlement of the accounts on the five years trading;—the friends of Mr. Evans being willing at once to give the necessary security to secure the first Law Officer of the Crown, or the Government, from any loss or liability in respect thereof; feeling assured, as they do, that it is only by a compulsory process that the state of accounts between the parties can be ascertained.

As it may be necessary to refer again to some of the documents, I have returned you those numbered 1, 3, 4, 7, 8, 9, and 10. I have also enclosed two remittance accounts, two balance sheets, case, and opinion of counsel, and also a certificate from the Postmaster General, and a short analysis of some parts of the evidence in this matter.

Since the foregoing was written I have received a case and Counsel's opinion thereon, given in May, 1856, which I also enclose. It is within my knowledge that Mr. Grantham—

who has not been heard of for twelve months, and is supposed to have perished in the bush—was, in May, 1856, a practising attorney at Albury, and I believe the only one; and that the words—"W. Grantham, Albury," endorsed on the outside, are in his handwriting; and Captain Cadell informs me Mr. Mayne is a leading barrister at Beechworth; and my object in forwarding this document is, to shew Mr. Evans' *bona fides* in this respect, viz., that his assertions that large sums are due to him from Mate are no after-thoughts, brought forward to give plausibility to his asseverations of innocence, but that seven (7) months at the least before the charge of embezzlement was preferred he was contemplating legal proceedings against Mate, for a settlement of accounts on the five years trading.

In conclusion, I feel bound to observe that I have experienced great perplexity in again submitting this case to His Excellency, and especially in having to question the correctness of the ruling of their Honors the Judges in reference thereto, although I believe the points now relied on were not before taken; but having known Mr. Evans personally prior to his connexion with Mr. Mate, I have been all along strongly impressed with his integrity and innocence, and I sincerely trust my exertions in his behalf may eventually be successful.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

GEORGE S. YARNTON.

[Enclosure 1 in No. 27.]

To His Excellency Sir William Thomas Denison, Knight, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

The Memorial of the undersigned residents of Sydney,—

RESPECTFULLY SHEWETH:—

That your memorialists would again urge upon your Excellency's consideration the case of William Bird Evans, under sentence of embezzlement, and would at the same time express their regret that, owing to the bad state of the roads, and the distance of Albury from Sydney, they are unable to present evidence which would have been procurable had the various parties acquainted with the circumstances resided within a reasonable distance of the metropolis.

Your memorialists would therefore call your Excellency's attention to the explanations and arguments adduced in the letter of their solicitor, in which they fully concur, and they trust, as the case is now presented, your Excellency will be fully satisfied with the prisoner's innocence and integrity, and that your Excellency will not feel the slightest difficulty in at once restoring him to society, thereby enabling him to seek redress for the wrongs which your memorialists feel conscious he has endured.

Your memorialists, therefore, pray your Excellency to take the whole circumstances of this case again into your consideration, and to accede to the prayer contained in the petition of the said William Bird Evans, already presented.

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

DAVID JONES, M. L. C.
F. A. LEADETT.
JOHN FAIRFAX.
GEORGE A. LLOYD & Co.
R. L. W. HATTON.
CHAS. CHAPMAN.
J. W. & S. THOMPSON.
GEO. REES.
R. M. PITE.
JACOB INDER

[Enclosure 2 in No. 27.]

RE MATE AND Co.

Ex parte W. B. Evans.

Herewith is a deed, or agreement, for carrying on a business at Albury, by Mr. Thomas H. Mate and Mr. W. B. Evans, with a memorandum at foot, made at the expiration of five years from the date of the agreement, whereby Mr. Mate undertook to pay Mr. Evans a salary of £1,000 per annum to manage the business.

The opinion of counsel is requested, whether this deed constituted a partnership, and if so, whether it is not still subsisting; no notice of dissolution having been published, or agreement to that effect signed.

The

The agreement of 5th February, 1856, does not in my opinion constitute a partnership *as between* Mr. Evans and Mr. Mate; whatever operation it might have with regard to third parties. Such a construction is negatived by the express declaration of the parties themselves, that their contract shall not be construed into a partnership; and also by the stipulation that Mr. Evans should be entitled to a share in the profits; as a "reward" for undertaking the personal management of the business.

Under the agreement of the 1st May, 1855, there can be no question whatever that he was a mere salaried manager.

Although however not entitled to claim his share in profits, on the ground of his having been a partner, he is clearly entitled to do so under the special clause in the agreement of 5th February, 1856, which gives him a right to half of the net profits (as there explained) during the continuance of the contract, that is, until the 30th April, 1855, to which period it was extended by the memorandum of 15th September, 1853.

The provision for arbitration contained in the agreement is inadequate to a settlement of the difficulty, as it contains no provision that the reference and award should be made a rule of Court.

I do not think Mr. Evans can have any complete remedy, except by a suit in equity for accounts, and a general settlement, with inspection of books, and the production of other necessary evidence and documents.

EDWARD GRAVES MAYNE,
Barrister-at-Law.

Beechworth, 8th May, 1856.

[Enclosure 3 in No 27.]

RE MATE AND Co.

Ex parte W. B. Evans.

Stock was not taken during the five years until the termination of the term, but the books were not balanced.

Mr. Mate then drew up a balance sheet which shewed a deficiency of between £6,000 and £7,000, but found, on going to Tarcutta, that various large sums had been placed to his credit in the Banks, which very much lessened the sum, and Mr. Evans is sure that very many large sums have been paid to Mate, or to his credit, which he has not debited himself with.

All the banking business has been done through Mr. Mate, who has dexterously mixed up his own account with that of the firm of T. H. Mate and Co. Many invoices of goods too have been charged to the Albury firm which are supposed to have been delivered at the Tarcutta.

Mr. Mate had always access when in Albury to the safe where the books, money, and valuables were kept, although Evans was held responsible; and the latter remitted various large sums to the former, without taking a note of them, having perfect confidence in Mate's integrity.

Mate refuses to admit that there is more due to Mr. Evans than £1,000 on the five years transactions, tho' the latter estimates his share of the profits at not less than £10,000.

Although it is stipulated in the agreement of partnership that the books should be duly kept posted, yet, owing to the pressure of business and the dearth of servants, it was quite impossible to do so, and even whilst Mate himself was managing the store in the absence of Mr. Evans he failed, or was not able, to keep up the books.

Mate mentioned that he should like the stock taken at the expiration of three years, but Mr. Evans would not do so without Mr. Mate's presence; but the latter never complied with the request, and, consequently, stock was not taken until the end of the term.

On Monday last (*5th May*) Mate commanded Mr. Evans to leave the table, refusing him and his wife meat or drink, and told him, at the same time, that he would give him until Saturday night to make up the books and leave the house.

Although the house is Mate's, and he receives rent for it from the firm of T. H. Mate and Co., can he compel Mr. Evans to leave the premises, and whether he will in any manner prejudice his claim by doing so.

As to possession of and access to the books.

[Enclosure 4 in No. 27.]

REMITTANCES from W. B. Evans to T. H. Mate, from 9th April to 31st December, 1855,
both inclusive

M. signifies Melbourne, S. Sydney, T. Tarcutta.

						£	s.	d.
April 9.	Remittance	..	..	..	..	M.	765	0 0
" "	Ditto.	Addenda	..	..	..	M.	85	0 0
" 10.	Ditto	..	..	..	..	M.	342	18 8
" 14.	Ditto	..	..	..	..	S.	1,065	10 0
" "	Ditto	..	..	..	..	M.	126	8 0
" 16.	Ditto	..	..	..	..	M.	423	6 7
" 18.	Ditto	..	..	..	..	M.	110	7 6
" "	Ditto	..	..	..	..	S.	451	17 0
" 24.	Ditto	..	..	..	..	M.	100	10 5
" 27.	Ditto	..	..	..	..	M.	226	17 0
" 28.	Ditto.	Sherwin, deposit	..	..	..	M.	60	0 0
							3,757	9 9

May

				£	s.	d.		
May	1.	Remittance		M.	96	18	5	
"	2.	Goods			5	4	8	
"	5.	Remittance		M.	138	0	0	
"	"	Elliott, deposit		S.	45	0	0	
"	"	Remittance		S.	88	13	0	
"	8.	Ditto		M.	152	4	6	
"	10.			Albury	50	0	0	
"	12.	Remittance		S.	224	12	6	
"	15.	Ditto		M.	460	2	6	
"	16.	Ditto		S.	262	19	6	
"	19.	Ditto		M.	440	11	0	
"	26.	Ditto		M.	330	0	8	
"	29.	Ditto		M.	210	0	0	
							2,504	6 9
June	1.	Remittance, 14 ounces dust		S.	53	4	0	
"	"	Cash			4	0	0	
"	5.	Remittance		M.	394	6	4	
"	6.	Ditto, dust		M.	101	1	3	
"	9.	Ditto		M.	201	0	0	
"	"	Ditto		T.	100	0	0	
"	12.	Ditto		M.	201	0	0	
"	14.	Ditto, 44 ounces dust		T.	162	16	0	
"	19.	Ditto		M.	796	11	6	
"	22.	Ditto		M.	182	13	6	
"	25.	Ditto		M.	359	17	0	
"	30.	Ditto		M.	292	2	0	
							2,752	10 7
July	7.	Remittance		M.	347	12	0	
"	10.	Ditto		M.	345	5	0	
"	14.	Ditto		M.	220	3	6	
"	17.	Ditto		M.	266	11	0	
"	20.	Ditto		M.	395	5	0	
"	21.	Ditto		S.	125	9	4	
"	24.	Ditto		M.	121	9	8	
"	28.	Ditto		M.	987	6	6	
"	"	Ditto		S.	105	0	0	
"	31.	Ditto		M.	636	1	9	
							3,550	3 9
Aug.	2.	Remittance		S.	87	3	0	
"	"	Ditto		S.	228	3	6	
"	"	Ditto, Hendae		S.	125	0	0	
"	4.	Ditto		M.	254	7	0	
"	"	Ditto		S.	120	0	0	
"	9.	Ditto		T.	66	10	0	
"	10.	Ditto		M.	538	14	7	
"	16.	Ditto			239	8	0	
"	"	Oats			5	8	0	
"	17.	Remittance		M.	463	1	0	
"	21.	Ditto		M.	266	0	0	
"	24.	Ditto		M.	166	9	8	
"	31.	Ditto		M.	150	0	0	
							2,700	4 9
Sept.	1.	Remittance		M.	381	15	0	
"	4.	Ditto		M.	1,315	15	8	
"	8.	Ditto		M.	233	2	10	
"	11.	Ditto		M.	782	16	6	
"	12.	Ditto		T.	18	18	0	
"	23.	Ditto		M.	759	13	6	
"	24.	Ditto		M.	514	16	0	
							3,906	17 6
Oct.	22.	Remittance		M.		100	0 0	
Nov.	8.	22 ounces gold dust			79	15	0	
"	12.	Oil			1	12	0	
"	13.	Goods			65	3	1	
"	20.	16 gold dust		S.	60	16	0	
"	26.	50 "		T.	190	0	0	
"	27.	Remittance		M.	192	18	6	
"	29.	66 ounces gold dust		M.	250	16	0	
							841	0 7
Dec.	1.	Remittance		M.	954	3	7	
"	13.	Ditto		T.	118	12	6	
"	"	2 carpet bags			0	9	0	
"	22.	Remittance		M.	418	10	0	
"	24.	Ditto		S.	67	7	6	
"	25.	Cash, horse			1	0	0	
"	31.	2 cheques			140	0	0	
							1,695	2 7
1855.	April..			3,757	9	9		
	May ..			2,504	6	9		
	June ..			2,752	10	7		
	July ..			3,550	3	9		
	August			2,700	4	9		
	September			3,906	17	6		
	October			100	0	0		
	November			841	0	7		
	December			1,695	2	7		
Total for 9 months				£21,808	6	3		

Remittances

Remittances from W. B. Evans to T. H. Mate, from 1st January to 31st March, 1856,
both inclusive.

Jan. 11	Cash, Repair of Watch .. .. .	..	..	..	..	..	..	1	5	0
" 14	Remittance M. .. .. .	..	..	..	..	..	..	1,226	3	10
" 19	do. D. E. T. .. .. .	..	..	..	..	S.	..	125	0	0
" 19	do. .. .. .	..	..	..	..	M.	..	154	9	0
" 21	do. .. .. .	..	..	..	..	M.	..	490	1	7
" 21	do. .. .. .	..	..	..	..	..	..	129	17	10
" 26	do. .. .. .	..	..	..	..	T.	..	125	5	2
" 29	For Rock Salt .. .. .	..	..	..	..	..	..	25	0	0
" 29	Goods .. .. .	..	..	..	..	..	..	2	7	9
" 30	349 ozs. Gold Dust .. .. .	..	..	..	..	..	..	1,326	4	0
								£3,607	14	2	
Feb. 2	Remittance .. .. .	..	..	..	..	..	..	145	4	11
" 6	50 ozs. Dust .. .. .	..	..	..	..	T.	..	190	0	0
" 6	.. .. .	..	..	..	..	..	..	394	5	0
" 6	Remittance .. .. .	..	..	..	..	S.	..	50	0	0
" 11	D. .. .. .	..	..	..	..	..	..	100	0	0
" 11	Cash, Dust 2 ozs. .. .. .	..	..	..	..	..	..	5	0	0
" 12	Cash .. .. .	..	..	..	..	..	..	72	4	0
" 12	D. .. .. .	..	..	..	..	..	..	0	14	0
" 14	.. .. .	..	..	..	..	..	..	13	13	0
" 26	Remittance .. .. .	..	..	..	..	M.	..	208	5	0
								£1,179	5	11	
Mar. 1	Remittance .. .. .	..	..	..	..	M.	..	119	1	10
" 3	do. .. .. .	..	..	..	..	..	..	100	0	0
" 8	do. .. .. .	..	..	..	..	..	..	210	11	9
" 15	do. .. .. .	..	..	..	..	M.	..	186	17	3
" 15	do. .. .. .	..	..	..	..	..	..	43	7	0
" 20	do. .. .. .	..	..	..	..	S.	..	80	12	6
" 22	do. .. .. .	..	..	..	..	M.	..	2,233	7	0
" 22	Cash .. .. .	..	..	..	..	..	..	120	0	0
" 22	.. .. .	..	..	..	..	..	..	500	0	0
" 31.	Deposit, Hyland .. .. .	..	..	..	..	..	..	700	0	0
	Balance of Amount .. .. .	..	..	..	..	..	..	8	19	3
	Salary P. Office .. .. .	..	..	..	..	..	..	15	12	6
								£4,318	9	1	
1856.											
January	.. .. .	..	..	..	..	..	..	3,607	14	2
February	.. .. .	..	..	..	..	..	..	1,179	5	11
March	.. .. .	..	..	..	..	..	..	4,318	9	1
Gold Dust 199 ozs. .. .. .	..	..	..	..	..	..	..	756	0	0
Beechworth Bank Deposits .. .. .	..	..	..	..	..	..	..	2,200	0	0
Total for 3 months ending 31st March								£	12,061	9	2

[Enclosure 5 in No. 27.]

THE QUEEN v. EVANS.

ANALYSIS OF EVIDENCE.

"It was Mr. Evans' duty to keep day-books, ledgers, and cash-books, and deposit-books, and to enter every night the amount of cash he had taken during the day."—See *Mate's deposition at the Police Office, Albury, in possession of Crown Solicitor.*

"I had no other manager than prisoner from March, 1855, to April, 1856. During that time there was another clerk; he left in June, 1855; he had only to attend to the Post Office business, and to keep day-books and ledgers."—See *Mate's evidence on trial, page 1.*

The above extracts are inconsistent with each other; if the last is correct, it is to a certain extent corroborative of Evans' affidavit relative to Bardwell, page 6.

Evans' statement, page 5, is corroborated by the declarations of Revd. D. H. Ballantyne and Walter Miller.

The statement relative to the 199 ozs. gold dust is corroborated by the declarations of J. L. Evans and J. P. Kirby; and, although Mr. Mate might have sent up £800 in February, it is not probable he would have forwarded £800 to pay £756.

The large amount of business transacted is corroborated by Mr. Joseph Thomson and Mr. Rees Jones.

During the present week I have conversed with two gentlemen on separate occasions, both of whom are friends of Mr. Mate, and have known Evans for a number of years. Each of them expressed himself to the following effect, viz., that he believed Mr. Evans to be innocent, and would be glad to hear of his gaining his liberty; that Mr. Evans knew nothing of book-keeping, or making out balance sheets, but he had been guilty of gross negligence; that Mr. Mate does not consider him guilty, but responsible for his neglect and carelessness. I have been informed, and verily believe, each of the gentlemen before mentioned has been requested to assist in procuring Mr. Evans' liberation, and declined, with the exception that one of them offered to contribute towards the expense.

GEO. S. YARNTON.

27th August, 1857.

[Enclosure 6 in No. 27.]
UNION STORE, 31st MARCH, 1856.

LIABILITIES.		ASSETS.	
1856.		1856.	
31 March.	Debts due on current accounts Debts due to depositors T. H. Mate's account £ 41,196 3 0	31 March.	Gold, Silver, and Notes in Cash-box Debts due to the Store Amount of Stock Landed property at Wondonga and Albury Balance—Loss £ 41,196 3 0
The within (i. e. the above) is only an approximation of trading of T. H. Mate & Company, there being several large amounts, such as Jarvis' and C. H. Moore's, which have been allowed this year, but which actually should have been charged last year. There is also a sum of eleven thousand and odd pounds credited to Mr. Mate, but which T. H. Mate & Company have no means of knowing whether it is correct or not. W. B. EVANS.			
APPENDIX.—This Balance-sheet was struck previous to the correction of Nichols' account.—W. B. E.			
CORRECTED STATEMENT.			
1856.		1856.	
31 March.	Debts on current accounts as above Debts to depositors, as above T. H. Mate's account, as above Deduct disputed, as per note above, say And value of 199 ozs. gold dust remitted to Mr. Mate, but not allowed by him Reducing T. H. Mate's balance to Balance, being profit £ 34,707 10 7	31 March.	Gold, Silver, and Notes, as above Deduct Postage Stamps, included in same, but being the property of Evans Making the net contents of Cash-box Debts due to the Store, as above Amount of Stock-in-trade, as above Which, being Mate's valuation, is too little by Landed property, as above £ 34,707 10 7

The first of the above statements is a transcript of one furnished me by Evans' Solicitor as copy of that produced at the trial, and the original is in the possession of the Crown. In the second, or corrected statement, I have reduced Mr. Mate's claim by the sum of £11,000, reserved in Mr. Evans' note preceding his subscription to the first of these statements. The minor alterations have been made in accordance with other memoranda furnished by a r. Evans' Solicitor. I certify that the effect of the materials so furnished is to convert the loss of £7,348 12s. 5d. into a profit of £5,267 11s. 7d. By a verified copy of the evidence at the trial it appears that there was received by Mr. Mate, on the 20th March, 1856, from the Beechworth Bank, £2,200, arising out of money previously deposited therein by Evans, but not charged by the latter against Mr. Mate in the books of the store. It is not clear whether or not this sum was deducted from Mate's account in striking the balance, but if not, the profit ought to be increased to £7,467 11s. 7d.
 ARCHIBALD CAMPBELL, Accountant.

[Enclosure 7 in No. 27.]

UNION STORES.

31ST MARCH, 1856.

LIABILITIES.		ASSETS.	
1856.		1856.	
March 31.	Debts due on current accounts	March 31.	Gold, silver, and notes, in cash-box
	5,982 10 10		1,597 15 5
"	Debts due to Depositors	"	Debts due to the Store
	931 11 0		18,057 14 4
"	T. H. Mate's acct. set down at £34,282 1s. 2d., but of which £11,000 is disputed by Evans, thereby reducing it to	"	Amount of Stock
	23,282 1 2	"	12,784 10 10
"	Balance	"	Landed property at Wondonga and Albury
	3,651 7 7		1,407 10 10
	£ 33,847 10 7		£ 33,847 10 7

The above balance is smaller than that brought out by Mr. Campbell in his corrected balance sheet, by reason of my having omitted the gold dust, postage stamps, and other items.

GEORGE S. YARNTON.

[Enclosure 8 in No. 27.]

General Post Office,
Sydney, 24 August, 1857.

I hereby certify that this department has supplied to Mr. W. B. Evans, in the month of January, 1856, he being then Postmaster at Albury, postage stamps to the value of one hundred and fifty pounds, which stamps were paid for by him.

W. H. CHRISTIE,
Postmaster General.

No. 28.

THE UNDER SECRETARY to MR. JUSTICE DICKINSON.

Colonial Secretary's Office,

Sydney, 5 September, 1857.

SIR,

Referring to your Honor's letter of the 30th July last, I am now directed to ^{28 Aug., 1857.} request the favor of your report upon the accompanying further communications from G. S. ^{Sept., 1857.} Yarnton, Esquire, in favor of W. B. Evans, a prisoner in Darlinghurst Gaol.

I have, &c,

HIS HONOR MR. JUSTICE DICKINSON.

W. ELYARD.

No. 29.

THE UNDER SECRETARY to MR. YARNTON.

Colonial Secretary's Office,

Sydney, 5 September, 1857.

SIR,

Your letter under date the 28th ultimo, on the subject mentioned below, has been duly received and referred for the report of His Honor Mr. Justice Dickinson.

2. As soon as the necessary information has been obtained, a further communication will be made to you.

I have, &c,

W. ELYARD.

*Subject:—Case of W. B. Evans, a prisoner in Darlinghurst Gaol.

G. S. YARNTON, Esq.,
63, Pitt-street, Sydney.

No. 30.

MR. YARNTON to THE COLONIAL SECRETARY.

63, Pitt-street,

4 September, 1857.

SIR,

I have the honor to request that the accompanying affidavits, which I have only this day received from Albury, may be forwarded to His Excellency the Governor General, for his consideration, in connexion with the other documents already transmitted, on behalf of the person named in the margin.

I have, &c.,

W. B. EVANS.

THE HONORABLE
THE COLONIAL SECRETARY.

GEORGE S. YARNTON.

[Enclosure

[Enclosure 1 in No. 30.]

In the matter of William Bird Evans.

On this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fifty-seven, John Lavington Evans, of Albury, in the Colony of New South Wales, being duly sworn, maketh oath, and saith as follows:—In the month of March, one thousand eight hundred and fifty-six, in the Union Store, Albury, I asked Thomas Hodges Mate, for and on behalf of the said William Bird Evans, for a cheque for the sum of one hundred and thirty-nine pounds ten shillings, being the amount standing to the credit of the General Post Office, Sydney, for a quantity of postage stamps which had been supplied to, and received by, William Bird Evans, as Postmaster of Albury, and who was at that time connected in business with the said Thomas Hodges Mate, at the Union Store aforesaid, in the previous January of that year, and which said postage stamps, or a greater part thereof, were then lying in the iron safe belonging to the said Thomas Hodges Mate. In reply to my request, the said Thomas Hodges Mate promised to supply me with a cheque on the post-day next following the day whereon I made such request, and then again to the following post-day; and I say that the money for the said stamps was ultimately paid by the said William Bird Evans out of his own private purse. And I further say, that I verily believe that the before-mentioned sum of one hundred and thirty-nine pounds ten shillings still stands to the credit of the General Post Office, Sydney, in the books of the said Thomas Hodges Mate, and that a large portion of the said stamps are still in the possession of the said Thomas Hodges Mate.

JOHN LAVINGTON EVANS.

Sworn by the said deponent, at Albury aforesaid, on }
the day first above-mentiond, before me, }

JEFFERY P. KEATINGE, J.P.

[Enclosure 2 in No. 30.]

In the matter of William Bird Evans.

On the twenty-sixth day of August, one thousand eight hundred and fifty-seven, Alfred Evans, of Albury, in the Colony of New South Wales, storekeeper, being duly sworn, saith as follows:—That in the year one thousand eight hundred and fifty-six, I was acting as assistant to William Bird Evans, the postmaster of Albury, the said William Bird Evans being connected with the store of Thomas Hodges Mate, carrying on business at the Union Store, Albury, under the style or firm of T. H. Mate & Co., and as such assistant as aforesaid I, on or about the month of January in the same year, received from the General Post Office, Sydney, postage stamps of the value of one hundred and fifty pounds, as set forth in the paper writing hereunto annexed, and marked A, which said postage stamps were partly disposed of by me in the ordinary course of my duties as assistant postmaster, and the money arising from such disposal put by me into the general proceeds of the business of the store of the said Thomas Hodges Mate, and the remaining portion of such postage stamps, as appears by the paper writing hereunto annexed, and marked B, were, in or about the month of April in the said year taken into and formed part of the stock-taking of the business of the said Thomas Hodges Mate; and I believe that such postage stamps are now in the possession and control of the said Thomas Hodges Mate. And I further say, that I was present, in the month of March, in the year aforesaid, and heard John Lavington Evans, on behalf of the said William Bird Evans, demand of the said Thomas Hodges Mate a cheque for the amount of the value of such postage stamps so taken into stock as aforesaid, and the said Thomas Hodges Mate stated in reply to such demand that he the said John Lavington Evans should have the cheque, but that he (Mate) was too busy then to give it, but would do so by the next post day, meaning the post day following after such demand, so that the said amount might be remitted to the General Post Office, Sydney; and, as the said cheque was not given as demanded, the amount of the value of such postage stamps, I have been informed, and verily believe was paid out of the private funds of the said William Bird Evans, as appears by the paper writings hereunto annexed, and respectively marked C and D, and that the amount of the value of such stamps has never been paid by the said Thomas Hodges Mate, but that the same still stands a credit to the General Post Office, Sydney, in the books of the said Thomas Hodges Mate.

ALFRED EVANS.

Sworn at Albury, the day and year }
first above written, before me. }

JEFFERY P. KEATINGE, J.P.

[Sub-Enclosure A in No. 30.]

(Circular.)

General Post Office,
Sydney, 8 July, 1856.

SIR,

Annexed is a Statement of your Stamp Account with this Office for the half year ended 30 June, 1856, by which it appears that there is a balance of £24 10s. due from you.

I am, &c,

THOS. K. ABBOTT,

for the Postmaster General.

To THE POSTMASTER,
Albury.

Dr.

Dr.	Cr.
1856.	
Jan. 1... Balance per Account to date } 37 0 0	Jan. 15... By Cash..... 32 10 0
„ 15... Stamps £150—less 10 per cent. } 135 0 0	May 26... By Cash..... 140 0 0
May 27... Stamps £25—less 10 per cent. } 22 10 0	„ 31... By Cash..... 20 0 0
June „ ... Stamps £25—less 10 per cent. } 22 10 0	Balance 24 10 0
£217 0 0	
Balance.....£ 24 10 0	£ 217 0 0

This is the paper writing referred to in the annexed affidavit of Alfred Evans, and marked A, sworn before me this twenty-sixth day of August, 1857.

JEFFERY P. KEATING, J.P.

[Sub-Enclosure B in No. 30.]

Postage Stamps taken into Stock at the Union Store, March, 1856.

3 Stamps @ 2s.	0 6 0
3 „ 1d.	0 0 3
3 „ 3d.	0 0 9
34 „ 6d.	0 17 0
67 „ 1s.	3 7 0
70 „ 2d.	0 11 8
2,423 „ 1d.	10 1 11
3,848 „ 2d.	32 1 4
2,045 „ 3d.	25 11 3
968 „ 6d.	24 4 0
50 „ 6d.	1 5 0
647 „ 8d.	21 11 4
276 „ 1s.	13 16 0
	£ 133 13 6

This is the paper writing referred to in the annexed affidavit of Alfred Evans, marked B, sworn before me this twenty-sixth day of August, 1857.

JEFFERY P. KEATINGE, J.P.

[Sub-Enclosure C in No. 30.]

General Post Office,
Sydney, 4 November 1856.

SIR,

In reply to your note of the 30th ultimo, I send on the other side a copy of your letter of advice, remitting £140 on account of Post Office, Albury.

The amount mentioned by you as likely to be remitted by Messrs. Mate and Co., or T. H. Mate, was never received.

Your's truly,

JOHN KEBBLE.

THE POSTMASTER,
Albury.

This is the paper writing referred to in the affidavit of Alfred Evans, hereunto annexed, and marked C, sworn before me, this twenty-sixth day of August, 1857.

JEFFERY P. KEATINGE, J.P.

[Sub-Enclosure D in No. 30.]

Post Office, Albury,
May, 15, 1856.

SIR,

Enclosed, I beg leave to send you first halves for the sum of (£140) one hundred and forty pounds, sterling, being payment of balance standing to the debit of your books against this office. The true amount I stand indebted is £139 10s.—the balance have

the kindness to forward me in post office stamps. Should Messrs. Mate and Co., or T. H. Mate, remit the sum of £139 10s. to credit of this Post Office, will you have the kindness to receive it.

I remain, &c.,
W. B. EVANS,
Postmaster.

To the Cashier of General Post Office,
Sydney.

This is the paper writing referred to in the annexed affidavit of Alfred Evans; and marked D, sworn before me, twenty-sixth day of August, 1857.

JEFFERY P. KEATINGE, J.P.

No. 31.

MR. ROBERT SEMPILL to THE COLONIAL SECRETARY.

Supreme Court,
7 September, 1857.

SIR,

I have been directed by His Honor Mr. Justice Dickinson to acknowledge the receipt of your letter dated 5th September, 1857, enclosing a Petition and other papers in the case of W. B. Evans.

His Honor desires me to say that he has been engaged for three weeks in trying a case not yet concluded, and as he is in the habit of considering after the Court adjourns the evidence taken during the day, he regrets (on account of the prisoner being in gaol) that he cannot consider his petition until the termination of the case referred to.

I have, &c.,
ROBERT SEMPILL,
Judge's Clerk.

W. ELYARD, ESQ.,
Assist. Colonial Secretary.

No. 32.

THE UNDER SECRETARY to MR. YARNTON.

Colonial Secretary's Office,
Sydney, 8 September, 1857.

SIR,

Referring to previous correspondence respecting W. B. Evans' application for mitigation of sentence, I am directed to acquaint you that it has been intimated to the Colonial Secretary that it will not be in the power of Mr. Justice Dickinson to consider the prisoner's petition until after the termination of a case which His Honor has been engaged in trying for upwards of three weeks.

I have, &c.,
W. ELYARD.

G. S. YARNTON, ESQ.,
63, Pitt-street, Sydney.

No. 33.

MR. ROBERT SEMPILL to THE COLONIAL SECRETARY.

Supreme Court,
10 September, 1857.

SIR,

I am directed by Mr. Justice Dickinson to transmit to you the papers relating to the case of W. B. Evans, and to state, that since my letter to you of the 7th instant, he has considered those documents.

His Honor directs me to state, that he is of opinion that if Evans can shew that the disputed £11,000 ought not to be placed to the credit of Mr. Mate, that such a doubt would be presented as would induce him to recommend a remission of all further punishment, as a new trial cannot be granted. His Honor, therefore, recommends that an accountant should be appointed, as he formerly advised; and if he, after examination of vouchers, books, &c., shall make the same certificate that Mr. Campbell has furnished, or reports that the £11,000 ought not to be placed to Mr. Mate's credit, that Evans should be set at liberty. Evans should

should, however, demand from Mr. Mate the production of the books, &c., mentioned in Mr. Yarnton's last letter; and should it appear that the matter of the £11,000 cannot be ascertained because Mr. Mate refuses the books, &c., His Honor will recommend that a pardon should, in that event, be granted to W. B. Evans.

W. ELYARD, ESQ.,
Assistant Colonial Secretary.

I have, &c.,
ROBERT SEMPILL,
Judge's Clerk.

No. 34.

THE UNDER SECRETARY to MR. YARNTON.

*Colonial Secretary's Office,
Sydney, 18 September, 1857.*

SIR,

Adverting to my letter of the 8th instant, and previous correspondence, relative to the application of W. B. Evans for mitigation of sentence, I am now directed to acquaint you, that, before appointing an accountant to examine into the state of accounts between Evans and Mate, it is necessary that the former should demand from the latter the production of the books, &c., mentioned in your letter of the 28th ultimo, and to request that you will be good enough to apprise the Colonial Secretary of the result of the application which may be made to Mr. Mate for the above purpose.

G. S. YARNTON, ESQ.,
63 Pitt-street, Sydney.

I have, &c.,
W. ELYARD.

No. 35.

COPY of Minute of the Hon. J. H. Plunkett, respecting W. B. Evans.

I am strongly inclined in favor of a pardon, for the following reasons:—

1. It appears that the books were not accurately kept, and that this was not complained of by Mr. Mate; but that there seems a tacit understanding that the irregularity should be borne from the difficulty of it.
2. The agreement of 1850, which was the basis of the connection between Evans and Mate, provides for arbitration, and a proposal to arbitrate was refused by Mate, as proved by the declarations of Ballantyne and Miller, before any proceedings.
3. The £840 paid to Stirling would (as now put forward) be sufficient to raise a doubt that would obtain a new trial in a civil case.
4. As only one balance sheet was produced at the Police Office, the production of the second, as a conclusive admission of the prisoner, was calculated to cause surprise at the trial, which would be very difficult to clear up under the circumstances.
5. I think the refusal of Mate to allow his bank-books to be seen is unreasonable, and, indeed, unwarrantable in a case of this nature. It is hardly possible to clear up the doubts without them.

On the whole, there appears so much of doubt that it seems to me more advisable to lean on the side of mercy than to uphold a verdict which, on the subsequent investigation, cannot be pronounced satisfactory.

J. H. P.

No. 36.

MR. YARNTON to THE COLONIAL SECRETARY.

*63, Pitt-street,
26 September, 1857.*

SIR,

I have the honor to acknowledge the receipt of a letter from your office dated 8th instant, (in which I am informed that it had been intimated to the Colonial Secretary that it would not be in the power of Mr. Justice Dickinson to consider the petition of Mr. W. B. Evans until after the determination of a case then pending,) and also another letter dated 18th instant, in which it is stated that, before appointing an accountant, it is necessary that

that Evans should demand from Mate the production of books, &c., mentioned in mine of the 23th ultimo, and that I should apprise the Colonial Secretary of the result of such application.

I am directed by Mr. Evans' friends to convey to you an expression of their disappointment at the absence of any report from the learned Judge, and although they have felt it incumbent upon them to adopt the course suggested, they conceive it will lead to no beneficial results, but, on the contrary, will cause unnecessary delay, inasmuch as the applications which have been already made to Mr. Mate have been utterly disregarded.

Upon Evans' trial many important circumstances were, from various causes, not placed before the jury, and others were left unexplained, but the case as now presented bears an entirely different aspect; and I would respectfully urge upon the Officers administering the Government of this Colony, that if they will take this case into their serious consideration they cannot resist the conclusion that it is one peculiarly calling for the exercise of the Royal Prerogative of Mercy for the following reasons:—

- 1st. That had Mr. Mate forwarded £800 in January, and the like sum in February, 1856, he would not have omitted to state it on the trial, and that the value of the 199 ounces of gold dust and of the postage stamps exceeds the amount of the alleged embezzlements.
- 2nd. The fact that Evans had by letter advised Mate of the receipt of M'Gall's money, as appears by the evidence given on the trial, is inconsistent with the guilt of the prisoner.
- 3rd. The certificate of the jurymen, and also the testimony given by various individuals as to Mr. Evans' innocence, founded on their knowledge of the magnitude of the business conducted by him, and of the want of proper assistance, which latter fact was within Mr. Mate's knowledge.

The various other features of this case have been so fully entered into in my former communication, as also in the various memorials already presented, that it is unnecessary for me to reiterate them on the present occasion. I will merely add, that Mr. Evans has now been incarcerated six months, which circumstance will, I trust, induce the Government to give this case their immediate and impartial consideration, and to grant him a free pardon.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

GEO. S. YARNTON.

No. 37.

MR. JUSTICE DICKINSON to THE COLONIAL SECRETARY.

Goulburn, September, 28.

MY DEAR SIR,

I have just received your letter on the case of W. B. Evans, which I hasten to answer.

I have felt great embarrassment about the case of Evans. According to the evidence at the trial, he appeared to me clearly to be guilty; but the papers which I have since perused, on his behalf, have much disturbed the opinion I entertained. They have not satisfied my mind of his innocence, but have disturbed my conviction of his guilt. That conviction, I confess, is much disturbed. I am sorry to find that the case set up for Evans is pregnant with an accusation of Mr. Mate, who I have no reason to believe is otherwise than a respectable man. As so many persons of undoubted worth and respectability are strongly impressed with the belief of Evans' innocence, and are continually expressing that opinion, I suspect that no public advantage will result from the continued imprisonment of W. B. Evans. On the whole, I think, that if their Excellencies the Administrators of Her Majesty's Government are of opinion that Evans' guilt is not clearly made out, the best course would be at once to grant a pardon to, and to release Evans from further punishment.

As I am writing in very great haste to save the post, I beg you will do me the favor to excuse this unseemly scrawl.

Believe me, &c.,

HIS EXCELLENCY

J. N. DICKINSON.

CHARLES COWPER,
&c., &c., &c.

No. 38.

THE UNDER SECRETARY to THE INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 30 September, 1857.*

SIR,

I am directed to inform you that their Excellencies the Administrators of Government have been pleased to approve of the prisoner named in the margin, who is at present confined in Darlinghurst Gaol, under sentence of five years labor on the roads, for embezzlement, being pardoned, and to request that you will prepare the necessary instrument accordingly, and submit it for signature. W. B. EVANS.

2. Instructions have been given to the Sheriff for the release of Evans from confinement.

I have, &c.,

THE INSPECTOR GENERAL OF POLICE.

W. ELYARD.

No. 39.

THE UNDER SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,
Sydney, 30 September, 1857.*

SIR,

Referring to my letter of the 6th ultimo, relative to W. B. Evans, a prisoner detained in Darlinghurst Gaol, under sentence of five years labor on the roads, I am now directed to inform you that their Excellencies the Administrators of the Government, having had the case of this man, with the report of the Judge, under their consideration, have been pleased to approve of Evans being pardoned, and to request that you will, therefore, cause him to be set at liberty immediately, provided no other cause exists for his detention.

I have, &c.,

THE SHERIFF.

W. ELYARD.

No. 40.

THE UNDER SECRETARY to MR. JUSTICE DICKINSON.

*Colonial Secretary's Office,
Sydney, 30 September, 1857.*

SIR,

In acknowledging the receipt of your Honor's further communication of the 28th instant, relative to the case of the prisoner named in the margin, at present detained in Darlinghurst Gaol, under sentence of five years labor on the roads for embezzlement, I am directed to inform you that their Excellencies the Administrators of the Government have been pleased to approve of a pardon being granted to Evans, which will be issued to him in due course, and that instructions have been given to the Sheriff to cause him to be released from further confinement. W. B. EVANS.

I have, &c.,

HIS HONOR

MR. JUSTICE DICKINSON.

W. ELYARD.

No. 41.

THE UNDER SECRETARY to MR. YARNTON.

*Colonial Secretary's Office,
Sydney, 30 September, 1857.*

SIR,

Referring to my letter of the 18th instant, and to your communication of the 26th of this month, I am now directed to acquaint you that their Excellencies the Administrators of the Government, having taken the whole of the circumstances of the case of W. B. Evans, together with the report of His Honor Mr. Justice Dickinson thereon, into their consideration,

sideration, have been pleased to approve of a pardon being granted to him, and that this will be issued to Evans in due course.

2. The necessary instructions have, in the mean time, been given to the Sheriff for the immediate release of Evans.

G. S. YARNTON, Esq.,
63, Pitt-street, Sydney.

I have, &c.,

W. ELYARD,

No. 42.

THE INSPECTOR GENERAL OF POLICE to THE COLONIAL SECRETARY.

Office of Inspector General of Police,
Sydney, 13 October, 1857.

SIR,

In compliance with the instructions contained in your letter of the 30th ultimo, I have the honor to transmit, for the signature of their Excellencies the Administrators of the Government, and in order that the Seal of the Colony may be attached thereto, a free pardon in favor of the individual named in the margin, a Colonial prisoner under sentence to the roads.

W. B. EVANS

I have, &c.,

JOHN M'LERIE,

Insp. Gen. of Police.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 43.

THE UNDER SECRETARY to THE INSPECTOR GENERAL OF POLICE.

Colonial Secretary's Office,
Sydney, 16 October, 1857.

SIR,

With reference to your letter of the 13th instant, No. 57-58, I am directed to transmit to you, duly signed by their Excellencies the Administrators of the Government, the accompanying free pardon of William Bird Evans, and to request that, after being recorded, you will hand it to Evans, and inform me when it has been delivered to that individual.

Dated 13th
October, 1857.

I have, &c.,

W. ELYARD.

THE INSPECTOR GENERAL OF POLICE.

No. 44.

THE INSPECTOR GENERAL OF POLICE to THE COLONIAL SECRETARY.

Convict Department,
Sydney, 22 October, 1857.

SIR,

In compliance with the request contained in your letter dated 16th instant, I have the honor to inform you, that the free pardon lately granted to William Bird Evans has this day been delivered to him.

Dated 13th
October, 1857.

I have, &c.,

JNO. M'LERIE,

Insp. Gen. of Police.

THE HONORABLE

THE COLONIAL SECRETARY.

1858.

Legislative Assembly.

NEW SOUTH WALES.

REPRIEVE OF JOSEPH WILKES.

(PARTICULARS IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 25 June, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 4 June, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ A Return stating—

“ (1.) The day and the hour of the day appointed for the execution of Joseph Wilkes, who was convicted of Murder, at the last Criminal Sessions in Sydney, and the date on which it was determined by the Government that the sentence should take effect.”

“ (2.) The date on which a commutation of the sentence was decided on by the Executive Council.

“ (3.) The day and the hour of the day, and the place where this latter decision was communicated to him.” (*Mr. Murray.*)

SCHEDULE.

No.		PAGE.
1.	Return from the Sheriff of New South Wales. 22 June, 1858	2
2.	Return from the Clerk of the Executive Council. 25 June, 1858	2

REPRIEVE OF JOSEPH WILKES.

No. 1.

TABULAR Statement respecting Joseph Wilkes, from the Sheriff of New South Wales.

Name of Prisoner	Joseph Wilkes.
Crime	Murder of his son, Joseph William Wilkes.
Sentence.....	Death.
Date of letter from the Honorable the Colonial Secretary, ordering execution of Wilkes	14th May, 1858.
Communication thereof made to the Prisoner..	Same day.
Day appointed for the Execution	Tuesday, 1st June, 1858.
Date of Death Warrant of Wilkes	31st May.
Received by the Sheriff.....	Same day.
Hour appointed for the Execution	No hour is fixed by the Warrant, but the usual hour for executions is nine o'clock in the forenoon.
Letter from the Honorable the Colonial Secretary, intimating that His Excellency the Governor General, with the advice of the Executive Council, had granted a Reprieve to Wilkes, received by the Sheriff	
Communication thereof made to the prisoner Wilkes	Tuesday, 1st June.
Hour	Same day.
Hour	Two minutes past 9 o'clock in the forenoon.
Place.....	In his cell, in Darlinghurst Gaol.

Sheriff's Office,
Sydney, 22 June, 1858.

JOHN O'NEILL, BRENNAN,
Sheriff.

No. 2.

RETURN in answer to a portion of an Address to His Excellency the Governor General, adopted by the Legislative Assembly on the 4th June last, with reference to the case of Joseph Wilkes.

Date on which the Executive Council determined that the Capital sentence passed on Joseph Wilkes should be carried out.	Date on which a commutation of the sentence was decided on by the Executive Council.
10th May, 1858.	31st May, 1858.

Friday, 25 June, 1858.

EDWARD C. MEREWETHER,
Clerk of the Council.

1858.

Legislative Assembly.

NEW SOUTH WALES.

INSOLVENCIES.

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 13 July, 1858.

PART RETURN to an *Order* made by the Honorable the Legislative Assembly, New South Wales, dated 30 March, 1858, That there be laid upon the Table of this House,—

“ A Return, to be obtained from the various Official Assignees—
 “ commencing 1 January, 1854, and ending 31 December,
 “ 1857—shewing the name of each Insolvent Estate which has
 “ fallen to their management during that period; the amount
 “ of fees charged by them in each estate; the rate of dividend
 “ paid in same; the amount of law costs paid in each estate,
 “ together with the names of the Attorneys to whom such costs
 “ have been paid; and also a statement of all estates in which
 “ no dividend, or final dividend, has been declared, still in their
 “ hands, and shewing the balance to the credit of every such
 “ estate, with other particulars as above enumerated.”

(*Mr. Thornton.*)

AN ACCOUNT showing the NAMES of all INSOLVENT ESTATES in my hands, from the 1st day of January, 1854, to the 31st day of December, 1857, with the Amount of Fees charged in each; the Rate of Dividend declared; the Amount of Law Costs paid in each, and to whom paid; the Balance to the Credit of each; and Estates in which no Dividend or final Dividend has been declared.

NAME OF INSOLVENT.	AMOUNT OF FEES RECEIVED BY OFFICIAL ASSIGNEE.	RATE OF DIVIDEND.		AMOUNT OF LAW COSTS.	TO WHOM PAID.	BALANCE TO THE CREDIT OF EACH ESTATE.	REMARKS.
		On Concurrent Claims.	On Preferential Claims.				
William Curtis	5 1 9	s. d.	.....	3 3 0	Mr. Wright .....	.....	Law costs paid for confirmation of plan.
Edward McDonnell	2 16 0	20 0 0	12 0 0	.....	.....	3 17 8	
Thomas Hayselden	3 3 0	2 0 0	.....	6 8 2	Mr. Wright	1 3 10	Ditto.
George Dent	3 10 0	3 7 1/2	8 16 0	3 7 0	Ditto .....	.....
Charles Musgrave	7 15 4	3 8 0	4 0 0	.....	.....	.....	Ditto.
John Manning	3 3 0	0 2 1/2	42 0 0	.....	.....	.....
Henry Wilson	6 14 0	0 4 1/2	65 0 0	.....	.....	.....	Ditto.
John Maxwell	10 0 0	0 4 1/2	.....	3 3 0	.....	.....
Edward M. Smith	2 2 0	6 4 1/2	.....	3 3 0	.....	.....	Ditto.
John M. Higgs	8 9 11	0 9 1/2	.....	.....	.....	.....
Patrick J. Barnes	3 3 0	1 8 1/2	.....	6 6 0	.....	.....	Ditto—two plans.
Thomas Cook	76 13 5	12 6	105 0 0	.....	.....	.....
William Fakes	3 3 0	0 9 1/2	4 10 0	.....	.....	.....	Ditto.
Joseph Fubbs	2 14 0	0 9 1/2	.....	.....	.....	.....
S. G. Alford	34 10 8	5 0	12 10 0	3 3 0	Ditto .....	.....	Also 2s. 6 1/2d. in the £ on two debts proved since the first plan was filed and paid.
L. E. Bordier	9 10 0	0 7 1/2	29 0 0	5 2 4	Mr. Husband .....	.....
Joseph Wilson, (of North & Co.)	7 8 0	9 10 1/2	.....	12 9 6	Mr. Wright .....	.....	Costs for confirmation of plan included.
David Campbell	7 17 0	3 0 1/2	.....	3 3 0	Ditto .....	.....
John Scuttis	3 2 6	14 4 1/2	.....	16 8 10	Ditto .....	.....	do.
Riskworth & Co.	8 16 6	.....	.....	.....	.....	.....
James Douglas	3 8 11	.....	15s. 2d. in the £	.....	.....	.....	Costs for confirmation of plan & conveyancing.
T. G. Sawkins, (of Sawkins & Co.)	4 0 0	5 5 1/2	17s. 6d. in the £	.....	.....	.....
Martin Morrison	3 10 1	0 7 1/2	7 0 0	18 13 10	Mr. Wright .....	.....	Confirmation of first plan.
William Knight	9 1 11	3 7 1/2	12 0 0	6 5 0	Rodd & Dawson	89 12 3	
F. O. Darvall	12 15 0	0 8 1/2	57 12 6	8 3 0	G. Wright .....	.....	3 1 0
Alfred Mitchell	198 7 5	5 0	100 0 0	235 11 4	R. G. & J. Want	29 6 9	
Brown & Jackson	6 3 6	1 6 1/2	.....	29 5 8	Rodd & Dawson .....	.....	127 1 6
William Goodman	32 11 4	5 11 1/2 & 1/4	96 5 0	.....	.....	.....
P. E. Cadell	74 12 7	0 10	.....	357 15 8	.....	.....	Carried forward..... £
.....	554 3 10	.....	.....	.....	.....	.....

INSOLVENCIES.

NAME OF INSOLVENT.	AMOUNT OF FEES RECEIVED BY OFFICIAL ASSIGNEE.	RATE OF DIVIDEND.		AMOUNT OF LAW COSTS.	TO WHOM PAID.	BALANCE TO THE CREDIT OF EACH ESTATE.	REMARKS.
		On Concurrent Claims.	On Preferential Claims.				
Brought forward							
W. F. Pickering	554 3 10	s. d.	1 10 0	357 15 8		127 1 6	Costs for confirmation of plan.
Thomas Miles	28 15 2	5 3		3 3 0		11 7 2	
Thomas Clark	8 19 0	0 5					Ditto do.
Sawkins & Grenfell	13 19 2	3 0	39 5 11	3 3 0			Ditto do.
Want & Tempest	7 19 7	2 0	42 15 4	5 10 8			
	35 10 1	3 0	25 0 0	8 8 10			
Gollan M'Kenzie & Co.	55 5 11	2 0	296 13 4	21 0 0			Including do.
Ducker & Turner	67 0 0	20 0		3 3 0			Costs for criminal prosecution.
J. B. Martin	6 0 0	2 0 4					Costs for confirmation of plan.
Alexander M'Crowe	1 3 10						Released from sequestration.
J. Brodziak	2 12 0						Costs for confirmation of plan.
Walter Short.	11 15 6						Insolvent allowed his furniture.
T. B. Bailey				27 6 7		144 3 1	Law proceedings still pending.
James Battley	3 3 0			17 5 10			Costs for criminal prosecution.
Samuel Steel	1 1 0			20 0 0			
Morris Magney	9 14 0			35 11 0			
North, Rutherford & Co.	2 0 0						
R. Gordon	51 8 7			27 13 0			
George Wilkins	2 2 0						
F. W. Williams	5 19 8						Composition of 7s. 6d. in the £.
Eugene Forechxon							Compositions.
John M'Kenzie	10 7 3						No debts proved.
Richard Webb	12 5 9			12 6 6			
R. C. Springett	9 12 0						
G. A. Thrum	5 11 7						
Morris & Co.	9 14 8						Law proceedings still pending.
Alexander C. Davidson	3 17 5			113 1 0			
James Bain	7 19 2						
John W. Roberts	7 3 6						
Jerome Carandini	3 15 0						
Carried forward	938 18 8			661 14 1		1,152 19 11	

AN ACCOUNT, &c.—continued.

NAME OF INSOLVENT.	AMOUNT OF FEES RECEIVED BY OFFICIAL ASSIGNEE.	RATE OF DIVIDEND.		AMOUNT OF LAW COSTS.	TO WHOM PAID.	BALANCE TO THE CREDIT OF EACH ESTATE.	REMARKS.
		On Concurrent Claims.	On Preferential Claims.				
Brought forward				661 14 1		1,162 19 11	
Mathew Sharpe	938 18 8					2 16 11	Furniture allowed Insolvent.
F. H. Osmond	3 3 0					87 11 0	
James Stewart	15 5 0					511 19 2	
K. Hampson	42 18 0					201 15 8	
Duncan McLennan	49 12 9					19 19 11	
Jeremiah Grant	6 6 0					4 5 2	
Henry Duball	2 2 0					135 18 9	
William Parsons	7 7 6					20 5 5	
Edward Gregory	2 5 1					0 17 0	
James McCrea	5 14 11					46 9 11	
Alexander Flood	6 14 0					76 16 0	
John T. Mackay				5 2 8	Fitzhardinge and McKechnie..	9 2 4	
H. M. Williams	8 10 6					155 0 0	
John Gordon	1 18 5					35 0 11	Insolvent allowed his household furniture.
F. Woodley						1 10 0	Ditto do.
C. C. Coleman						5 17 7	Composition of 1s. 6d. in the £.
H. C. Jervis							No assets realised. Allowed his furniture.
Henry Jennings							Ditto do.
Henry Croudace							Ditto do.
Samuel Selcy							Ditto do.
Waltham Kensett	2 2 0						Ditto do.
R. Oliphant							Ditto do.
Phillis Sloman							Ditto do.
E. P. Ince							Ditto do.
Enoch Webb							Ditto do.
William Crowe	2 2 0						Ditto—allowed his furniture.
Edward H. Lomas							do., wearing apparel, &c.
Frank Pogson							Ditto do.
G. E. Lauder							Ditto do.
H. H. McMurdo							Ditto do.
John Vickery							Ditto do.
Jas. Cramphell							Ditto do.
Edward Frewitt							do.
Carried forward	1,095 0 10			666 16 9		2,468 5 8	&c.

INSOLVENCIES.

NAME OF INSOLVENT.	AMOUNT OF FEES RECEIVED BY OFFICIAL ASSIGNEE.	RATE OF DIVIDEND.		AMOUNT OF LAW COSTS.	TO WHOM PAID.	BALANCE TO THE CREDIT OF EACH ESTATE.	REMARKS.
		On Concurrent Claims.	On Preferential Claims.				
Brought forward	1,095 0 10			666 16 9		2,468 5 8	
James Bailey							No assets realised. Allowed his wearing apparel.
James Boyle							do.
W. H. Chambers							Estate withdrawn.
John Carmichael							Furniture allowed to "widow."
George Cartright							do. allowed.
Thomas Cowell							do.
Eliza J. Field							No assets realised.
William H. Galbraith							Ditto—allowed the furniture.
John Gow							Ditto.
Francis Grant							Ditto.
Robert Gilchrist							Ditto.
William G. Higgs							Ditto.
E. Humphrey							Ditto.
Evan Jones							do.
Elizabeth Jones							do.
Patrick Keane							do.
Thomas Pryor							do.
John Hurley							do.
John Williams							do.
William Simmons							do.
Margaret Slater							do.
Jas. Spinks							do.
William Solemans							do.
Francis Timmins							do.
William Thompson							do.
Eleanor Velencour							do.
T. M. Worthington							do.
Edward Woodhart							do.
R. P. Foster							do.
William Gould							do.
Owen Boyle							do.
TOTAL	1,095 0 10			666 16 9		2,475 9 8	No assets realised.

Sydney, 31 May, 1858.

ADAM WILSON, Official Assignee.

ESTATES in which no Dividend has been declared, also the Balances on hand in Estates where final Dividends have not been declared, as required by the Honorable the Legislative Assembly.

		Balances in Hand.
		£ s. d.
R. E. Erlam	Pauper.	
Joseph Levey	Pauper.	
Jno. Leonard	Pauper.	
G. A. Plunkett	No assets realized. Furniture given up by directions of creditors—value £4.	
Thos. Chadwick	No assets realized. Furniture given up by creditors.	
Jno. Pontifax	No assets. Pauper.	
James Smith	Pauper.	
C. A. Phillips	Pauper.	
T. Chevers	Pauper.	
Jas. Butler	Nothing realized. Furniture given up by creditors.	
Jane Webb	Pauper.	
Henry Miller	Pauper.	
Wm. Filewood	Nothing realized. Furniture given up by creditors.	
Joseph Nason	Pauper.	
Richd. Murray	Pauper.	
Dav. Falconer	The assets in this estate—(very little)—handed over to Holden's estate, by directions of creditors, to bring a partnership account to a close.	
Thos. Lee	Pauper.	
Jno. Dond. Kennier	Pauper.	
Hy. Bennett	Pauper.	
Jno. Anderson	Pauper.	
G. W. Belford	Pauper.	
W. E. Smith	Pauper.	
P. Millinger	Pauper.	
Joseph Bishop	Assets (tools of trade) given up by creditors.	
Michl. Griffon	A country estate; assets only £6 8s. 9d., which paid Court and other expenses.	
Geo. Brown	Pauper.	
Wm. Shumac	Not divided; lying in Treasury	5 1 6
Wm. King	Pauper.	
James Wensley	Pauper.	
Richd. Pethbridge	Assets (furniture) given up by creditors.	
Timothy Ward	Pauper.	
R. N. McDiarmid	No assets. This estate is under investigation, preference being disputed of payment.	
Thos. C. Turner	Furniture given up, if insolvent complied with directions of Meeting.	
C. J. Packer	Furniture given up upon certain conditions—(not complied with.)	
Geo. Buchanan	Pauper.	
Richd. Beason	Pauper.	
Jno. Bourke	Pauper.	
W. L. Levey	Pauper.	
Thos. V. Dudgeon	Pauper.	
H. D. Cockburn	Pauper.	
Jno. Reed	Uncalled for dividends—balance in Treasury	10 2 6
W. H. Pottinger	Pauper.	
A. L. Walsh	Pauper.	
Patk. Keating	Assets secured under bill of sale.	
J. H. Walker	This will be divided in a few days, when plan confirmed.	269 6 1
Frank Howson	One asset only—(conveyance preparing)—sold for £40, by direction of creditors. Not yet paid for.	
Jno. Fuller	Pauper.	
Jno. Bissland	Assets only paid rent & Court fees—the whole £11 7s. 10d.	
Jno. Taylor	Paying monthly instalments from his salary	12 10 0
Panlovich	Balance paid into Treasury	12 9 9
Barker	Uncalled for dividends; lying in Treasury	13 15 3
Bonham	Ditto ditto	4 6 9
Cutler	Collected after distributing first dividend; lying in Treasury	30 15 1
Yates	Uncalled for dividends; in Treasury	7 9 8
Watson	Ditto ditto	20 13 3
Lambert	Ditto ditto	12 15 8
Hayes	Ditto ditto	65 18 1
Hamilton	For a second dividend; will be declared in a few days..	205 1 3

J. P. MACKENZIE,

Official Assignee.

20 April, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

INSOLVENCIES.

(FURTHER RETURNS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 17 November, 1858.

FURTHER RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 30 March, 1858, That there be laid upon the Table of this House,—

“ A Return, to be obtained from the various Official
 “ Assignees—commencing 1 January, 1854, and ending
 “ 31 December, 1857—shewing the name of each Insolvent
 “ Estate which has fallen to their management during
 “ that period ; the amount of fees charged by them in each
 “ estate ; the rate of dividend paid in same ; the amount
 “ of law costs paid in each estate, together with the names
 “ of the Attorneys to whom such costs have been paid ;
 “ and also a statement of all estates in which no dividend,
 “ or final dividend, has been declared, still in their hands,
 “ and shewing the balance to the credit of every such
 “ estate, with other particulars as above enumerated.”

(*Mr. Thornton.*)

The annexed Returns contain particulars in relation to 305 Estates, and the compilation thereof has caused great labor, and occupied much time, it having been necessary to refer to various books and documents to collect the required information.

I, therefore, trust the sum originally applied for by me (£30) for the work will be allowed by the House of Assembly; such sum is much less than the actual cost of obtaining the Returns.

With respect to the balances shewn by these Returns, I beg to state, that the whole amount of money to the credit of the various Estates in my charge is in compliance with the order of their Honors the Judges, paid by me quarterly into the Treasury; and quarterly accounts shewing the particulars of such balances are also filed in the Prothonotary's Office.

JOHN MORRIS,

Official Assignee.

INSOLVENCIES.

A RETURN by JOHN MORRIS, Official Assignee, in relation to Insolvent Estates placed in his hands from 1 January, 1854, to 31 December, 1857.

NAME OF INSOLVENT.	AMOUNT OF FEES RECEIVED BY OFFICIAL ASSIGNER.	RATE OF DIVIDEND		AMOUNT OF LAW COSTS.	TO WHOM PAID.	BALANCE TO THE CREDIT OF EACH ESTATE.	REMARKS.
		On concurrent Claims.	On preferent Claims.				
		s.	d.				
1854.							
Thomas Clarke	2 2 0	4	0				No assets.
William Hardy							No assets.
Richard May							
Barnabas Hartshorn	47 19 10	15	0				
George Mann	2 2 0	0	4 3/8				No assets.
Thomas May							No assets.
Thomas Argent							No assets.
Joseph Brooks							No assets.
John Rossiter	16 16 0	7	6	39 5 7	Geo. Yarnton	4 5 1	No assets.
John Tracey							
Christopher Gage	2 2 0	6	0 3/4				No assets.
John Greene							No assets.
Robert Forrest	16 16 0	2	10				No assets.
Robert Broach M'Phun							No assets.
John White	1 14 0	4	4				
John Christian Miller	85 10 6	1	6	54 3 2 40 0 0	Spain & Young Rodd & Dawson	73 1 11 20 3 5	
John Millar	6 6 0	3	4				
William Stewart Ogilvie	1 8 6						
James Stuart Ogilvie	1 14 0						Only £2 3s. realized. Only £3 14s. realized. The large amount of costs in this Estate arose out of an Equity suit to set aside a mortgage held by one the creditors over property amounting to upwards of £12,000. The proceedings were very protracted, and the matter was ultimately referred to arbitration. The arbitrators' fees alone amounted to £210 16s. The proceedings were originally instituted at the instance of Mr. Alexander Campbell, the Creditors' Assignee, and by direction of the creditors.
John Woods	251 15 4	2	7 1/2	20 7 8 891 3 10 55 4 2 485 12 0	M'Culloch Johnson & Johnson R. J. & G. Want Nichols & Williams	50 1 8	
Charles Matthey	2 2 0	0	10 1/2				
Jean Werner Gunst	7 7 0			20 0	Johnson & Johnson	17 18 9	No assets.
Charles Lockington							No assets.
Charles Peter & Thos. Penfold							No assets.
Thomas Dartnell							No assets.
Richard Walsh							No assets.
William Law	3 3 0			14 10 6	Rodd & Dawson		
Samuel Wright	36 11 6			20 0	Johnson & Johnson	13 8 4	
Henry Patterson	2 2 0			4 6			No other assets.
David Hume Ross							No assets.
Henry M'Gann							No assets.
Thomas William Johnstone							
Waller Bates	34 2 6	1	6 3/4				
John Brooks							
John Jacobs & Lewis Hart	27 10 0	5	0				
John Fearnley	62 6 6	9	3				
Thomas Whitty Toby	58 14 0	2	11				
Terence M'Dermott							No assets.
Frederick Bradley	39 5 0	2	4 1/2				
Christopher S. Walton	30 0 0	2	1 1/2				
Thomas M. T. Harvie	18 18 0	0	10 3/4	20 11 8	Johnson & Johnson	36 2 6 5 5 11	
John Burton	7 7 0	3	10 1/4				
Henry Johnson	11 19 3	4	0				
Frederick Beer	8 6 0	2	6	26 0 0	Nichols & Williams	2 2 0	
James Stewart	4 4 0	4	7 1/8				
Thomas M'Allister	3 0 0	2	4 3/8				
Mory Tucker	6 4 6	2	2				
William Cole	13 13 0	3	11 3/4				
William Guyton	8 10 0	8	1 1/2				
Raphael Tolano							Not proceeded with.
Stephen Baker	2 2 0	0	3 1/4				Not proceeded with.
Joseph Smutzer	9 17 0	8	4 1/2				Not proceeded with.
Charles Abercrombie							
Thomas Andrew Speed	2 2 0	1	7				No assets.
Arthur Cubitt							Petition dismissed.
Thomas James M'Lelland							
Thomas James Henry	23 11 0	8	6				
Lot Manix	2 2 0			4 8 3/4			
Samuel Magnus	14 0 0	1	3 1/4	32 4 2	Johnson & Johnson	5 11 4	
Thomas King	2 2 0	2	6 3/4				
James Robinson	21 0 3	5	0	37 9 2	Rodd & Dawson	0 18 3	
John M'Farlane	2 2 0	1	10				
Rich, Langley, & Butchart	56 16 0	0	7	27 4 6 129 16 2 9 19 6 10 5 4	Want, R. & Want Johnson & Johnson Want, R. & Want Johnson & Johnson	88 3 10	{ Costs sequestrating estate. { Solicitors for estate.
James H. Butchart	23 18 4	0	11 1/8				
TOTALS FOR 1854	£ 976 3 6			2,001 10 7		515 8 2	

RETURN, &c.—continued.

NAME OF INSOLVENT.	AMOUNT OF FEES RECEIVED BY OFFICIAL ASSIGNEE.	RATE OF DIVIDEND.		AMOUNT OF LAW COSTS.	TO WHOM PAID.	BALANCE TO THE CREDIT OF EACH ESTATE.	REMARKS.
		On concurrent Claims.	On preferent Claims.				
1855.							
Mary Scott Storey	10 5 0	s. d.	s. d.				
Thomas Michael Deacon	2 2 0	4 8	0 6 1/2				
John Malcom	49 17 11	5 0		8 16 8	Johnson & Johnson		Law costs for conveyancing.
James O'Hara	12 12 0	11 3 1/2					No assets.
James Goldsmith							No assets.
William Coleman							Costs for conveyancing and for the estate generally.
Charles Adrain	34 0 0	1 3		63 13 2	Johnson & Johnson	16 1 2	No assets.
Hannah Street Ranger							No assets.
William Elfe Row							No assets.
Nathaniel Buckley	28 7 0	8 0				83 7 1	
Edward Freeman Way	8 8 0	2 6		18 17 4	Johnson & Johnson	16 17 9	Costs for conveyancing and for the estate generally.
James Goldsmith & W. E. Row	26 0 0			200 0 0	Johnson & Johnson		This £200 was paid on a/c. of costs incurred in an action by direction of creditors; the balance was paid rateably by the creditors.
Charles D. O'Connell							Sequestration superseded.
Richard Ward Nevill	5 2 0		18 0				
Henry Fisher	7 12 9	20 0					
Samuel Henry Cohen	242 6 2	6 9		67 11 9	Johnson & Johnson	93 3 5	Costs for recovery of some assets of estate and costs generally.
John Scales	2 2 0		5 9				
John Howson	2 7 6	1 3 1/2				2 7 5	
William Duncau	31 0 0	6 0				69 6 3	
Warburton & Bennett	2 2 0	0 5 1/2				0 0 2	
Charles Pitt	6 0 0	1 0				4 19 5	
William Hoodie Say				2 10 0	Johnson & Johnson	3 17 8	Costs for conveyancing.
Samuel Matthews & James Poulton	33 12 6	10 0					
Anslay Spurling	2 2 0	2 9					
John Richardson	2 2 0	1 1 1/2					
Maurice Henry Solomon	5 5 0		17 9 1/2				
Frederick Mulchwein						1 0 9	Only this amount realized.
Joseph Reynolds	13 15 0	6 8					
Augustus Leopoldt	15 15 0		10 11	31 15 0	Johnson & Johnson	0 10 1	
Thomas Mattheson							
John Cochrane							
Jasper Hale Beer							
Isaac Hart							
William Lenehan							
John Rogers	47 16 0	7 3 1/2		188 13 6	Johnson & Johnson	1 6 2	Expenses incurred in an action (successful), and costs for the estate generally.
Gustav Wangerheim	8 8 0			45 9 6	Rodd & Dawson	8 9 6	Costs paid by direction of creditors.
Archibald Aillaridge							No assets.
Jabez Bunting							No assets.
James Tenant							No assets.
Samuel Ellis							No assets.
Peter Cunningham							No assets.
Henry Organ	3 3 0	0 8 1/2					
George Anderson	5 5 0	0 0 1/2		18 9 8	Johnson & Johnson		Costs for conveyancing.
Joseph Goulston	2 2 0	0 8 1/2					Insolvency superseded.
Margaret Byrne							
Bryan Coleman							
Van Norden & Humphry							No assets.
Peter Riley							No assets.
Richard McDonald	192 11 3	2 0		2 2 0	Thurlow & Co.	36 4 7	No creditors proved.
William Green	6 6 0					42 0 0	Only this amount to pay expenses.
Henry D. Cockburne						22 4 0	No assets.
Jacob Chapman							Costs paid by Crawley & Smith.
Morris & Moon	200 0 0	10 0					No assets realized to 31 March, 1855.
Alexander F. D. Greville							Costs as Solicitors for estate; Costs for compulsory sequestration.
George Horatio Howell	32 15 0	1 8 1/2		40 4 0	Johnson & Johnson		
Barbier & Arzellier	6 6 0	4 6		32 6 0	James Greer		
John Hnrgaves	4 4 0	4 0				0 2 0	
Matthew Aaron Barass							
John Longfield	2 2 0	0 4 1/2					
David Robertson							
Richard Douglass	3 3 0			12 3 8	Rowley & Holdsworth		On account of compulsory sequestration.
George Frederick Hughes	30 0 0	15 0					
Thomas Revell Johnson							
Matthew Deveny	7 7 6	1 5 1/2				0 0 6	
James Matthew Cashman	26 7 1	5 0				149 0 9	Balance will be divided very shortly.
James Elstub							
Eliza Mary Martin							
John Mitchell	2 0 0	1 6					
James Miller							
Charles Wakefield							
James Stewart	10 10 0	0 0 1/2				1 14 8	No assets.
Andrew McCulloch							
Richard Swete	12 12 0	3 0					No assets.
William Wilson							Cost paid by Insolvents.
Johnson & Weight	160 0 0	7 6					
Henry Stephens	2 2 0		5 10 1/2				
James Moon							No assets.
John McKellar	18 0 0	5 6				24 3 4	
Geo. L. Wilson							Only sufficient to pay expenses and Court fees.
Michael Gallahor							No assets.
William Henry Beattie	9 9 0	2 3 1/2				0 12 0	
John Slack Smith	5 5 0	7 0				1 9 2	
William F. C. Wilson	10 10 0	7 3		1 1 0	Billyard	0 5 3	
Leopold Rawack & J. Lippmann	126 8 0	0 11 1/2		67 13 0	Waut, Roxburgh, & other	7 16 4	
Jullus Lippman	8 0 0	15 4 1/2		89 9 2	Johnson & Johnson		
Edward Geo. Curling	3 10 0	1 9 1/2		5 5 0	Johnson & Johnson		

RETURN, &c.—continued.

NAME OF INSOLVENT.	AMOUNT OF FEES RECEIVED BY OFFICIAL ASSIGNEE.	RATIOS DIVIDEND.		AMOUNT OF LAW COSTS.	TO WHOM PAID.	BALANCE TO THE CREDIT OF EACH ESTATE.	REMARKS.
		On current Claims.	On preferent Claims.				
		s. d.	s. d.				
1855.							
James MacCormick							
Andrew Wilson							Only £7 received, out of which was paid Court fees and expenses.
Francis McMahon	897 12 0	9 0		211 7 8	Johnson & Johnson.....	261 17 10	
Thomas Clayton	49 10 0	3 4				172 18 0	
George Curtis	6 10 0	6 4 ³ / ₄					
Richard Curtis	8 10 0	8 2				1 18 11	
Angus M'Kinnon						10 11 0	
Matthew Aaron Worms	158 8 0	3 7 ³ / ₄		45 7 8	Johnson & Johnson.....		
Andrew Samuel Hollander	6 8 9	3 0					
Martha Lloyd	4 4 0	1 3					
Charles Teakle	19 0 6	3 0				77 0 10	
George Thomas Rowlandson						0 15 0	
Henry Piper							
John Smith							
William Allan							
Henry Cherry	4 4 0	1 6				5 3 6	
Henry Lambourne							
John Ellis							
John Weir	3 8 0	2 0				5 11 9	
Robert Lorn Pattison	21 6 6	3 4				69 18 10	
Malcolm M'Neilly	6 6 0	2 9				3 3 3	
Michael Freany							
Allan Langmuir	5 15 6	4 3 ¹ / ₂		32 7 10	Rodd & Dawson		
Daniel Bergin	5 0 0	1 6					
Michael Russell							
TOTALS FOR 1855.....	£2,683 17 11			1,220 3 7		1,195 19 1	
1856.							
Andrew Torning & T. A. Torning.....	22 11 9	8 0		16 6 8	Mr. Husband	14 15 9	
Thomas Frederick Staddon	8 16 4	1 4		31 7 8	Rodd & Dawson	4 3 11	
Josiah Dohife Nason							
Andrew Torning.....							
Thomas Andrew Torning							
William Hill Hopkins							
James Marshall Hughes							
Edward Agnew	5 5 0	0 7				2 5 1	
Samuel Evans						2 16 1	
George L. Wilson & P. L. Wilson							
James Jeffreys	10 10 0	13 6 ³ / ₄		25 15 4	Iceton & Pownall		
James Naimby Sluttieworth						96 4 7	
Michael Shields							
Fredrick W. Clarke	84 9 9	2 0		81 1 1	Want, R. & Want	408 7 1	
John Campbell.....							
James Trimbel.....							
William Hall							
Joseph Levy							
James Smith Norrie	54 0 0	5 3		5 5 0	Geo. Yarnton	97 1 10	
Daniel Sleath	10 10 0	6 8				10 0 0	
William Douglass	4 4 0	15 5					
Edward Boulanger							
George Bridge Mulens	6 16 0	7 6		11 7 6	Geo. Yarnton	5 9 2	
Samuel B. Legge	5 5 0		18 10	25 0 0	Johnson & Johnson		
Abraham Cohen	109 14 3	2 6		312 7 9	Want, R. & Want	105 1 3	
Michael John Russell	10 10 0	3 6					
William Hayes	5 5 0	20 0					
James Keenan	3 3 0	1 5					
Robert Frederick Brown	7 12 0		6 0	12 12 0	Want R. & Want	0 19 4	
Ann Anderson							
Henry Moss	22 10 0	3 0		26 13 8	Johnson & Johnson.....	6 8 4	
William Ferguson							
George Shying							
Martha Agnes Dunn	4 4 0		5 2 ³ / ₈				
David Evans							
William Boulton.....	52 10 0	1 3		75 6 8	Johnson & Johnson	5 17 8	
Charles Edward Skead							
John Francis	2 4 6		3 10				
John Bourke							
James William Kelly							
John Blackwood	8 8 0	0 6 ¹ / ₂		18 8 0	Johnson & Johnson		
William John Dyer							
Robert Sheppard							
William Welch							
Alexander C. Scott	8 8 0	3 0				3 8 11	
James Clarke							
John Turnbull.....							
Margaret M'Leau							
Francis Cox							
Hugh Frazer							
James Halcro Robertson	30 5 0	2 6		8 13 6	Johnson & Johnson.....	8 15 9	
Reuben William Hills							
William Heard							
Nicholas Ormsby Scamlon	9 9 0	6 0		46 7 4	Johnson & Johnson.....	2 10 11	
Samuel Whitdon							
Michael Ronan	4 4 0	1 6				1 9 3	

RETURN, &c.—continued.

NAME OF INSOLVENT.	AMOUNT OF FEES RECEIVED BY OFFICIAL ASSIGNEE.	RATE OF DIVIDEND.		AMOUNT OF LAW COSTS.	TO WHOM PAID.	BALANCE TO THE CREDIT OF EACH ESTATE.	REMARKS.
		On con-current Claims.	On pre-ferent Claims.				
		s. d.	s. d.				
1855.							
William Guyton							No assets.
Thomas Armstrong							No assets.
Henry Hookings						18 0 2	Debts being collected at Moreton Bay.
Frederick Terry	13 5 9	0 8½		11 4 4 13 6 4	Dunsmore & Stafford Johnson & Johnson		Costs of mortgagees' Attorney Costs for conveyancing.
John King							No assets.
William Clarke	419 10 3	9 9		22 4 6 96 0 8	Gurner & Roberts Johnson & Johnson	8 0 4	Costs in matter before Judge. Costs conveyancing and for estate generally.
William Hayes							No assets.
John Bennett & Thomas Davis							No assets.
Thomas Pattison							No assets.
Benjamin Francis & John Liddell						9 19 4	
TOTALS FOR 1856	£923 10 7			£839 8 2		£835 17 3	
1857.							
Julius Cailly							No assets.
Oliver Woodward							No assets.
Mary Eliza Robertson							No assets.
John Long Horsey	5 8 6	6 0				25 10 5	
Richard Wright Goodall							No assets.
Samuel Lee	3 3 0		5 1				No assets.
John Brown							No assets.
Frederick William Edwards							No assets.
Walter George Mason	2 2 0	12 11					No assets.
Frederick Lewis Edwards							No assets.
William Henry Stephens							No assets.
Ralph Steel & James Laughton	3 3 0					18 0 2	No creditors proved.
Henry Lewis Harris							No assets.
Charles Wilson							No assets.
Elizabeth Quinsey	2 7 6		12 7½				No assets.
James Maxwell							Insolvency superseded.
Henry Frederick Tree						2 1 0	No assets.
John Henry Schryver							Only this amount realized.
Henry Sandersou							No assets.
Peter Coulen							No assets.
John Cory Lardner							No assets.
Phillip Risby Holdsworth	7 16 0	2 6					No assets.
John Pearson	7 7 0	0 10		20 8 0	Dick & Brown		Prosecution for fraudulent insolvency—insolvent since absconded.
John Mason	4 4 0	1 3½		7 16 0	Johnson & Johnson		Law costs for conveyancing. Only £8 12s. received to pay Court fees and expenses.
Jean Frey							No assets.
Charles William F. Stier							No assets.
James Maxwell	3 3 0			4 3 6			Insolvent absconded.
William Moss						0 6 6	
George McCallan	2 2 0	20 0					No assets.
Christian Hesse & S. Snow	10 10 0		20 0			21 17 6	
William Walker							No assets.
Charles Frederick Gorton	5 5 0	20 0					No assets.
Thomas Harbottle	12 10 0	20 0					No assets.
Martin Guest	7 10 0		20 0	65 2 6	George Yarnton	8 11 0	Law costs for conveyancing and for estate generally.
Nicholas & John Belt	6 6 0		20 0	17 2 2 9 9 4	Want, Roxburgh, & Want Johnson & Johnson	4 1 8	
Thomas Wynne Knight	4 4 0		5 7½	3 3 0	George Yarnton	0 10 0	
George Blaxland Rogers	4 4 0			8 19 0	Norton, Son, & Barker		Account costs for compulsory sequestration.
John Lasham							No assets.
John Webber							No assets.
Augustus Mellon							No assets.
Louis McDonald	3 0 0						No assets.
Robert Bray Cooke	7 7 0		2 4	12 17 0	George Yarnton.		These costs were incurred in an action Morris v. Scott, and matter before the full Court.
Patrick Hamon	18 0 3	3 4		13 12 10 52 10 2 15 6 0	Johnson & Johnson G. W. Graham Rowley & Holdsworth	11 3 11	
David Henry Stonham	6 8 0	4 6				9 1 2	
Thomas Russell Duigan							No assets.
William Crawford	5 0 0	2 8½					No assets.
Francis Flanagan							No assets.
Thomas Darragh							No assets.
William Geo. Chandler	2 2 0		6 0				No assets.
Allan Swyny	6 14 8	2 0		31 13 10	Allen & Bowden	1 12 4	Law costs for compulsory sequestration.
Matthew John Duncan						18 6 0	For division amongst expenses and Court fees.
James Giblett						8 14 6	No assets.
John Vaudepolder						1 0 0	No assets.
Frederick Alfred Poole							No assets.
John Smith							No assets.
Edward Cook							No assets.
Charles Irvine						4 10 0	Will only pay Court fees and expenses.
William Henry Baker						7 18 9	No assets.
Jabez Bunting							No assets.
Joseph Marchant							No assets.
James Dolkes	10 13 3	6 0		1 1 0	James Husband	8 2 6	No assets.
James Maxwell							No assets.
Hugh Taylor							No assets.
TOTALS FOR 1857	£ 150 9 2			261 4 4		152 7 5	

A SUMMARY of the 4 years' Commissions received by JOHN MORRIS as Official Assignee.

	£	s.	d.
1854	976	3	6
1855	2,683	17	11
1856	923	10	7
1857	150	9	2
	4,734	1	2
Debit—Office expenses for 4 years, Rent, Clerks' Salaries, &c., &c., at not less than £400 per annum	1,600	0	0
Leaves a Balance of	3,134	1	2

Which amount averages net per annum £783

JOHN MORRIS, Official Assignee.

1858.

Legislative Assembly.
NEW SOUTH WALES.

INSOLVENCIES.

(RETURN RELATIVE TO.—F. W. PERRY.)

Ordered by the Legislative Assembly to be Printed, 25 November, 1858.

FURTHER RETURN to an *Order* made by the Honorable the Legislative Assembly, New South Wales, dated 30 March, 1858, That there be laid upon the Table of this House :—

“ A Return, to be obtained from the various Official Assignees
“ —commencing 1 January, 1854, and ending 31 December,
“ 1857—shewing the name of each Insolvent Estate which has
“ fallen to their management during that period; the amount
“ of fees charged by them in each estate; the rate of dividend
“ paid in same; the amount of law costs paid in each estate;
“ together with the names of the Attorneys to whom such costs
“ have been paid; and also a statement of all estates in which
“ no dividend, or final dividend, has been declared, still in their
“ hands; and shewing the balance to the credit of every such
“ estate, with other particulars as above enumerated.”

(*Mr. Thornton.*)

F. W. PERRY, ESQ., to THE ATTORNEY GENERAL.

125, Elizabeth-street, Sydney,

25 November, 1858.

SIR,

In compliance with the request contained in your letter of the instant, I do myself the honor to forward a Return of all Insolvent Estates under my control, from the 22nd of December, 1854, to the 31st of December, 1857, with the particulars called for in your communication.

In transmitting this Return, I beg to say that I do not forego my claim against the Ministry for the expense and trouble of preparing it.

I have the honor to be,

Sir,

Your most obedient servant,

F. W. PERRY,

Official Assignee of Insolvent Estates.

To THE HONORABLE
THE ATTORNEY GENERAL.

INSOLVENCIES.

A RETURN of all INSOLVENT ESTATES under the control of FREDERICK WILLIAM PERRY, Official Assignee, from the 22nd day of December, 1854, to the 31st December, 1857.

NAME OF ESTATE.	OFFICIAL ASSIGNEE'S COMMISSION.		RATE OF DIVIDEND.		LAW COSTS.	TO WHOM PAID.	BALANCE TO CREDIT OF ESTATE.	REMARKS.
	£ s. d.	s. d.	On con- current Claims.	On pre- ferent Claims.				
Edward Willis Layton	86	18	2	6	1 1/2	M. C. Stephen	£ s. d.	Nothing realized.
Joseph Taylor								Do.
William Rickard Mills Sampson								
Thomas Phillip Colegate	43	15	0	8	8 3/4			
Taylor and Arbouin	59	8	10	12	5 1/2			
Frederick Greer	7	19	2	0	2 1/2			
James Turner Grocott	9	14	8	0	3 3/8			
John Leighton Drewe	5	1	0	11	3 1/4			
George Augustus Frederick Lentz	3	17	0	0	4 3/8			
John Lewis	3	17	0	2	1 1/4			
Mark Aarons								Nothing realized.
William Heasman	6	17	3	0	1 3/4	M. C. Stephen		
James Slatyer	14	3	8	3	4	M. C. Stephen		
William Scott	3	15	6	0	8 1/4	G. A. Fitzhardinge, and M. C. Stephen		
Samuel Robert Pembroke	19	18	9	5	6 1/4			
James Beauzville	9	10	8					
Malcolm M'Donald								Assets not yet realized.
Harris and Barlow	117	1	9	3	8 3/4	Robert Little, and M. C. Stephen		
Patrick Hogan	7	1	0	2	3	M. C. Stephen		
Charles Henry Rooke						Thurlow, Dick, and Brown		
Thomas James M'Lelland	5	5	0			M. C. Stephen		Nothing realized. { There is a balance to the debit of this estate.
Augustus Hayward	9	11	0	17	7 1/2			
Edwin Stanley Davies	9	15	0	4	2 1/2			
Thomas Kerr Simpson	7	0	5	2	0			
Charles Parry Dunsford	42	12	1	11	0			
Mary Elizabeth Wood	3	17	0	0	10 3/8			
Edward Taylor	38	6	6	3	9 1/2			
Thomas Barnes	12	4	0	2	11 1/4			
Alexander M'Crow	16	14	0	10	0			Estate released.
Francis Harmer Morse	105	1	2	4	2 1/2			
Alexander Browne	90	5	0	10	0	64 11 9 R. and G. Want, and M. C. Stephen		
William Cannon						Joseph Chambers, and M. C. Stephen		
Walter Underwood Harris								Nothing realized. Do.
David Blair	10	11	3	10	4 1/2			
Phillip George Bragg								Nothing realized.
Robert Matheson	43	14	0	9	8 3/8	M. C. Stephen		
Charles Howes								Nothing realized.
Edward Kennedy	12	6	0	4	8 1/2	Edwin Dainty, and J. N. Shuttleworth		
Alfred Thomas Taylor								
George Brockstayne	2	18	9	0	4 1/2			15 7 6 { Not sufficient to pay Court fees.
Charles King								Do.
Charles Lowe								Nothing realized.
John Rider Roberts								
William Stephens	28	19	6	8	4 5/8			Nothing realized.
William Wilson								Nothing realized.
Albermarle Layard								Nothing realized.
Charles Cooke	7	3	3	10	0			
John O'Brien								Nothing realized.
Charles William Wilms	4	14	6	0	6 1/9			
William Samuel	18	5	6	10	0			
Peter Crogan								Nothing realized.
John Dunbar Grant								Do.
Duffy and Mitchell	45	3	4	1	8 1/2	M. C. Stephen		
John Donaldson								Nothing realized.
James Miller	4	12	6	0	11 3/4			
Berkleman and Bate	57	17	9	5	0			
William Blackwood	3	17	6					{ Only sufficient to pay Court fees and commission.
Thomas Abbott	44	16	9	1	11			
Snelgrove and Thomson	186	7	9	4	3 3/2	Robert Johnson Archibald Little M. C. Stephen		{ In this estate the item of law costs arose principally from criminal proceedings. Nothing realized. { Not sufficient to pay expenses. Nothing realized.
Frederick Seymour Whitehouse								
Henry McKone								Do.
Joseph Clarke								
John Jas. Whittle								
John George Pike	13	2	9	3	3 3/4	M. C. Stephen		
Bartholomew Long								
Benjamin Howard								{ Little more than enough to pay Court fees and com- mission.
George James	11	18	8	1	9 3/4	M. C. Stephen		
John Farrell								Nothing realized.
Henry Smith								Do.
Joseph Corbett								Do.
Williams and Cripps								Do.
Thomas Etherington								Do.
Rachel Douglass								Nothing realized.
John Hammond								Do.
H. S. Smith and Co.	1,063	6	10	3	5 1/4			
Thomas Clarke								Nothing realized.
James Howarth								Do.
Dennis Manning								Do.
David Frith Aitchison	19	14	11	3	5 1/2	M. C. Stephen		
James Smith								
Thomas Alford								Nothing realized.
Joseph Forster	4	16	4			M. C. Stephen		{ Not sufficient realized to pay expenses. Nothing realized.
John Shute								
Louis Saclier	16	10	11	11	8 3/4			

INSOLVENCIES.

5

A RETURN, &c.—continued.

NAME OF ESTATE.	OFFICIAL ASSIGNEE'S COMMISSION.		RATE OF DIVIDEND.			LAW COSTS.	TO WHOM PAID.	BALANCE TO CREDIT OF ESTATE.	REMARKS.
	£ s. d.	s. d.	On cur- rent Claims.	On pro- cured Claims.	£ s. d.				
Cornelius Murphy									Nothing realized.
William John Powell	11	6	2	1	6 $\frac{3}{4}$	7	0	1	
Samuel Caldwell	9	19	3	6	7				
Edward Beaufort Cullen	11	13	8	2	3				
Thomas Dawson									Nothing realized.
Kirk Spear Tossell	10	17	3	4	10 $\frac{1}{4}$	7	12	0	M. C. Stephen
Alfred Holden									
Thomas McKall	7	5	6	0	2 $\frac{1}{2}$	50	0	0	G. S. Yarnon
Julian King Hawthorne	12	11	9	5	3 $\frac{3}{4}$	6	8	4	M. C. Stephen
Ellis Jacobs	2	2	0	2	10 $\frac{1}{2}$				
Joseph Bennett									Nothing realized.
Gordon & Docking	18	3	6			57	10	0	{ S. E. Sergeant and M. C. Stephen }
William Johnson									Nothing realized.
Meyer Levin Jonas	28	19	3	2	2 $\frac{1}{4}$				
Danis & Co.	23	3	7	0	5 $\frac{1}{2}$	6	18	10	M. C. Stephen
Henry Lubbeck									Nothing realized.
Henry Browne	2	2	0	3	7 $\frac{3}{4}$				
Adam Becker	2	2	0	2	9 $\frac{1}{2}$				Nothing realized.
John Edwards									Do.
Thomas Griffiths									Nothing realized.
Hugh Snel Chauncey	2	2	0						{ Only sufficient to pay rent and expenses.
James Nally									Nothing realized.
John Everetts									Do.
John Thomas Funnmore									Do.
James Armstrong	16	9	0	10	0	15	15	0	M. C. Stephen
James Byrne									Nothing realized.
John Martin	6	10	0	0	8	7	12	8	M. C. Stephen
Edward Thomas Clarke									Nothing realized.
Mary Wiseman	7	0	4	1	0 $\frac{1}{2}$	2	2	0	M. C. Stephen
Andrew Millar									Nothing realized.
Francis Milham									Do.
Taylor & Chapman	21	11	3	10	9 $\frac{1}{4}$	2	7	8	M. C. Stephen
Thomas Moulder									Nothing realized.
Henrietta Elizabeth Chandier									Do.
John McCutcheon									Do.
Henry Israel									Do.
David Reddeck Browne									Do.
Frank Finley									Do.
John Mitchell									Do.
David L. Levy									Do.
Alfred Lewis Cessar									Do.
Alfred Smith									Do.
George Cattley									Do.
Thomas Bridson	6	1	1	3	5 $\frac{1}{2}$				
Thomas Allatt	6	10	5	0	9 $\frac{1}{2}$				
Philip Dew									Nothing realized.
Henry McKone	2	2	0						{ Not sufficient to pay expenses.
Frances Cole									Nothing realized.
Henry Bachfield	2	2	0	3	10 $\frac{1}{4}$				
Henry Grahame	5	0	0	12	3 $\frac{1}{2}$				Nothing realized.
George Harner Buckingham									Do.
William Lacey									Do.
Patrick Maher									Do.
William Hurst									Do.
Fowler Boyd Price									Do.
James McGrath	14	12	6			39	14	0	James Greer
George Edward Evans									Nothing realized.
Robert Edward Callaghan									Do.
David Bell									Do.
Matthew Flynn	2	2	0	0	2 $\frac{1}{4}$				
Frederick Horne									
George James									
George Lee									4 8 6
Thomas Botts Humphrey	2	2	0						Nothing realized.
Thomas Thorne									{ Not sufficient to pay rent and expenses.
Peter Farrell									Nothing realized.
Richard Maxwell	7	17	11	2	7	40	3	0	R. & G. Want
John Hill Furlonger									Nothing realized.
James Murphy	2	15	7	1	2 $\frac{1}{4}$	11	12	10	M. C. Stephen
James Simmonds	16	6	0	3	7 $\frac{1}{2}$	29	8	6	Fitzhardinge & McKechnie
Jamieson & Connell									Nothing realized.
Charles Henry Rooke									Do.
Peter Sweeney									Do.
John Junior Robertson									Do.

F. W. PERRY,

Official Assignee of Insolvent Estates.

Sydney, 25 November, 1858.

1858.

Legislative Assembly.

NEW SOUTH WALES.

OFFICIAL ASSIGNEES.

(CORRESPONDENCE RELATIVE TO RETURNS REQUIRED FROM.)

Ordered by the Legislative Assembly to be Printed, 9 November, 1858.

THE SECRETARY TO LAW DEPARTMENT to THE CHIEF COMMISSIONER OF
INSOLVENT ESTATES.*Attorney General's Office,
Sydney, 8 April, 1858.*

SIR,

I am directed by the Law Officers to request that you will have the goodness to cause the following information, which has been called for by the Legislative Assembly, to be prepared and forwarded to me for the purpose of being laid before that body, viz. :—

Order made on motion of Mr. Thornton on 30 March, 1858.

“ A Return, to be obtained from the various Official Assignees, commencing 1st January, 1854, and ending 31st December, 1857, shewing the name of each Insolvent Estate which has fallen to their management during that period; the amount of fees charged by them in each estate; the rate of dividend paid in same; the amount of law costs paid in each estate, together with the names of the Attorneys to whom such costs have been paid; and also a statement of all estates in which no dividend or final dividend has been declared; still in their hands, and shewing the balance to the credit of every such estate, with other particulars also above enumerated.”

I have, &c.,

W. E. PLUNKETT,

THE CHIEF COMMISSIONER
OF INSOLVENT ESTATES.

Secretary to Law Department.

THE SECRETARY TO LAW DEPARTMENT to THE CHIEF COMMISSIONER OF
INSOLVENT ESTATES.*Attorney General's Office,
Sydney, 25 May, 1858.*

SIR,

In again drawing your attention to my letter of the 8th ultimo, requesting that you would have the goodness to cause certain information called for by the Legislative Assembly respecting Insolvent Estates to be prepared by the various Official Assignees, for the purpose of being laid before that body,—I have now the honor to request that you will report the present state of the required Returns, whether there is a prospect of obtaining them shortly, and if not the cause of delay, with a copy of the correspondence on the subject, together with your report thereon.

I have, &c.,

W. E. PLUNKETT,

THE CHIEF COMMISSIONER
OF INSOLVENT ESTATES.

Secretary to Law Department.

THE CHIEF COMMISSIONER OF INSOLVENT ESTATES to THE SECRETARY TO THE
LAW OFFICERS.

*Insolvency Department,
Sydney, 31 May, 1858.*

SIR,

I have the honor to acknowledge your letter of the 25th instant, requesting that I "will report the present state of the Returns in Insolvency required by the Legislative Assembly, and the cause of delay, together with a copy of the correspondence on the subject."

Mr. Wilson.
Mr. Mackenzie.

In reply, I have the honor to transmit herewith two of the Returns required, as forwarded to me by the Assignees named in the margin, together with copies of the correspondence which has taken place on the subject.

I may observe that the Returns called for from Mr. Perry and Mr. Morris, being more voluminous in detail (as they extend over four years), will involve a greater amount of labor and time than those furnished by the other Assignees.

I have, &c.,

WM. A. PUREFOY,

Chief Commissioner of Insolvent Estates.

THE SECRETARY

TO THE LAW OFFICERS.

J. MORRIS, F. W. PERRY, AND A. WILSON, ESQRS., to THEIR HONORS THE JUDGES.

YOUR HONORS,

We, the undersigned, the Official Assignees in the Insolvency Department of your Honorable Court, beg respectfully to inform your Honors that we have received circulars from the Chief Commissioner in Insolvency, (one of which is herewith enclosed), directing us to forward to his Department the Returns specified therein, with as little delay as possible.

We can have no objection to furnish these Returns, except that, being officers of your Honorable Court, we conceive that we have no authority to make or compile, from the records of the Court, any Returns or lists of names, except under your Honors, and only under your Honors' order, and that so soon as such is received, and very pressing business connected with our official duties will permit, we shall do our utmost to obtain and provide the necessary information; promising that it will be a serious expense and great loss of time to us, and for which we beg respectfully to inform your Honors that we have no fund to apply to for such payment as reasonably may be required to defray the expenses which we shall be put to in order to comply with any order your Honors may please to make in the matter alluded to.

In conclusion, we beg to observe, that our offices are kept up solely at our own expense, and that, whether times are good or bad, our expenses are precisely the same, and that we feel ourselves bound to keep efficient clerks in our offices, who are, of course, available to us in any private business we may choose to enter into.

We have, &c.,

JOHN MORRIS.

F. W. PERRY.

ADAM WILSON.

THE CHIEF JUSTICE to J. MORRIS, F. W. PERRY, AND A. WILSON, ESQRS.

*Supreme Court,
14 April, 1858.*

GENTLEMEN,

I have laid your letter before the other Judges, and the following is our reply.

The Returns required by the House of Assembly, it certainly does appear, will be voluminous, extending, as they are to do, over four (4) years, and comprising the names of the several estates, as well as particular results and details in each; and as you receive no salary, but are paid by a per centage for specific duties (which per centage is of course only obtainable in paying estates, there being many which give considerable trouble but afford no remuneration at all), we think your application not unreasonable to be allowed by the Government the expense which the required labor will unavoidably occasion.

In

In compliance with the desire, however, of the Legislative Assembly, we direct the preparation of the Returns in question (as specified by the Chief Commissioner), so soon as you shall be furnished with the necessary funds. For this purpose you will be good enough immediately to report to the Chief Commissioner the amount absolutely indispensable, and that officer will then apply to the Government that you may be supplied with the means of obedience to this order.

I am, &c.,
ALFRED STEPHEN.

THE CHIEF COMMISSIONER OF INSOLVENT ESTATES to F. W. PERRY, ESQ.
Insolvency Department,
Sydney, 9 April, 1858.

SIR,

I have the honor to inform you that I am requested by the Law Officers of the Crown to furnish the following Returns in Insolvency, for the information of the Honorable the Legislative Assembly, pursuant to an Order of the House of 30th March last:—

- 1st. A Return shewing the names of all Insolvent Estates to which you have been appointed Official Assignee, from the 1st January, 1854, to the 31st December, 1857.
- 2nd. The amount of fees charged by you in each estate, respectively, for the period above named.
- 3rd. The rate of dividend paid in each estate, respectively, for the period above named.
- 4th. The amount of law costs paid in each estate for the same period, together with the names of the Attorneys to whom such costs have been paid.
- 5th. A statement shewing all estates in your hands in which no dividend, or final dividend, has been declared; and also shewing the balance to the credit of every such estate.

I have, therefore, to request that the Returns above specified may be forwarded to this Department with as little delay as practicable.

I have, &c.,
W. A. PUREFOY,
Chief Commissioner of Insolvent Estates.

F. W. PERRY, ESQ.,
Official Assignee.

JOHN MORRIS, ESQ., to THE CHIEF COMMISSIONER OF INSOLVENT ESTATES.
Mort's Buildings, Pitt-street, Sydney,
28 April, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of yesterday's date, requesting me to inform you what steps I have taken in reference to certain Returns required by the Legislative Assembly; and, in reply, I beg to state that, immediately on receipt of your first letter, I, in conjunction with two of my colleagues, addressed a letter on the subject to their Honors the Judges, from whom the Official Assignees receive their appointment, and to whom only they are responsible.

This communication is still under their Honors' consideration, and so soon as I shall obtain their answer I shall be in a position to determine what course I shall have to pursue in relation to preparing such portions of the Returns in question as depend upon the proceedings in estates which have been under my charge.

I have, &c.,
JOHN MORRIS,
Official Assignee.

W. A. PUREFOY, ESQ.,
Chief Commissioner of Insolvent Estates,
Sydney.

J. P. MACKENZIE, Esq., to THE CHIEF COMMISSIONER OF INSOLVENT ESTATES.

43 Elizabeth-street, Sydney,
29 April, 1858.

SIR,

I do myself the honor to hand you herewith the Returns in conformity with the request made by the Law Officers of the Crown, for the information of the Honorable the Legislative Assembly, pursuant to an Order of the House of 30th March last.

In submitting this information I do so to evince my desire to afford the information called for, nevertheless I respectfully submit my belief, that as I hold my commission under their Honors the Judges of the Supreme Court, it is in their province only to call upon me for these Returns; otherwise the time of the Court might be seriously inconvenienced by the Official Assignees neglecting their duties in consequence of being called away to supply from time to time any information demanded, and thereby incur the displeasure by so acting without the concurrence of their Honors the Judges.

I have, &c.,

J. P. MACKENZIE,
Official Assignee.

THE CHIEF COMMISSIONER OF INSOLVENCIES.

ADAM WILSON, Esq., to THE CHIEF COMMISSIONER OF INSOLVENT ESTATES.

Exchange Corner,
Sydney, 29 April, 1858.

SIR,

I have the honor to acknowledge receipt of your circular of 26th instant, referring to yours of 9th idem, respecting certain Returns in Insolvency referred to by you, and requesting to be informed what steps have been taken by me in reference to these Returns.

In reply, I beg to inform you that I and two other of the Official Assignees of the Court addressed a letter to their Honors the Judges relative to these Returns, and requesting their instructions thereon, to which we have not as yet received a reply; but that, anticipating their Honors would direct the Returns to be made, I beg to inform you that I have caused the same to be prepared, and that they will be forwarded to your office when completed.

I have, &c.,

ADAM WILSON,

Official Assignee.

HIS HONOR THE CHIEF COMMISSIONER
OF INSOLVENT ESTATES.

THE CHIEF COMMISSIONER OF INSOLVENT ESTATES to THE CHIEF JUSTICE.

Insolvency Department,
30 April, 1858.

SIR,

I have the honor to forward herewith (for the consideration of yourself and their Honors the Judges) three letters received from the Official Assignees, in reply to my letter of the 9th ultimo, calling for certain Returns in Insolvency, pursuant to a vote of the Legislative Assembly of 30th March last. I was under the impression that the directions of the Chief Commissioner in matters of Insolvency within his jurisdiction were to be regarded by the Assignees as the directions of the Court; if that opinion is erroneous, it appears to me desirable, for the better dispatch of the business of this department, that your Honors will set me right, so that in future the Assignees may take their instructions from the Judges, and not from the Chief Commissioner.

Mr. Mackenzie (Official Assignee) has furnished the Returns, as required.

I have, &c.,

W. A. PUREFOY,
Chief Commissioner of Insolvent Estates.

HIS HONOR THE CHIEF JUSTICE,
&c., &c., &c.

F. W. PERRY, ESQ., to THE CHIEF COMMISSIONER OF INSOLVENT ESTATES.

125, Elizabeth-street, Sydney,
30 April, 1858.

SIR,

With reference to your letters of the 9th and 26th instant, relative to certain Returns asked for by the Legislature, I have the honor to inform you that two of my fellow Assignees and myself have addressed their Honors the Judges (whose officers we are) upon the subject, and if we are directed to prepare the Returns in question we shall do so cheerfully, and when a reply is received I shall have much pleasure in acquainting you of it.

I have, &c.,

THE CHIEF COMMISSIONER
OF INSOLVENT ESTATES,
Sydney.

F. W. PERRY,
Official Assignee.

THE CHIEF JUSTICE to THE CHIEF COMMISSIONER OF INSOLVENT ESTATES.

Supreme Court,
12 May, 1858.

SIR,

I have received your letter of 30th ultimo, with its enclosures, and have conferred thereon with my brother Judges; and the following is our reply:—

With reference to your letter to the several Official Assignees, under date the 9th ultimo, it appears to us that those gentlemen ought to have considered your request as one emanating from the Judges, or sanctioned by us, until satisfied by competent authority that the fact was otherwise. Your letter, however, did not purport to be by authority of the Judges, and the Assignees therefore may rather have regarded the desire as expressed by you without reference upon the resolution of the House of Assembly.

There can be no question that the Assignees have no right to expect a direct communication from the Judges on matters of this kind; on the other hand, they are entitled to request our reconsideration of any order which apparently has been issued by us under our signature.

The representation made by the Assignees, it appears to us, is less an appeal from any directions given by you than a remonstrance against any order affecting to bind them emanating alone from a vote of the Assembly, communicated through the Law Officers. You will observe that Mr. Wilson expressly states that he has expected an order from the Judges, with which he will be prepared to comply.

The letter from me to you, however, dated the 14th ultimo, written in the name of the Judges, enclosing one of the same date, addressed jointly to the Assignees, it might be thought would have removed all doubt as to our intentions in this matter. The letter to those gentlemen, under my signature, is a full reply to their representation, and contains an unmistakable direction to prepare the returns in direction, subject only to the qualification that you should previously apply to the Government to supply the necessary funds. It is not very intelligible, therefore, how the Assignees should, on the 23th ultimo, state to you that their communication was still under our consideration, and that they had received no reply thereto.

I am, &c.,

W. A. PUREFOY, ESQ.,
Chief Commissioner of
Insolvent Estates.

ALFRED STEPHEN.

F. W. PERRY, ESQ., to THE CHIEF COMMISSIONER OF INSOLVENT ESTATES.

125, Elizabeth-street, Sydney,
19 May, 1858.

SIR,

Having reference to your letters of the 9th and 26th ultimo, and 14th inst., and to a letter which I have had the honor to receive from His Honor the Chief Justice, relative to certain Returns required by the House of Assembly as to some insolvency matters, in which His Honor says their Honors the Judges direct the following reply to a letter addressed to them by two of my brother Assignees and myself:—

“ The Returns required by the House of Assembly, it certainly does appear, will be voluminous, extending, as they do, over four years, and comprising the names of the several estates, as well as particular results and details in each ; and as you receive no salary, but are paid by a per centage for specific duties (which per centage is of course only obtainable in paying estates, there being many which give considerable trouble, but afford no remuneration at all), we think your application not unreasonable to be allowed by the Government the expense which the required labor will unavoidably occasion.

“ In compliance with the desire, however, of the Legislative Assembly, we direct the preparation of the Returns in question, as specified by the Chief Commissioner, so soon as you shall be furnished with the necessary funds.

“ For this purpose you will be good enough immediately to report to the Chief Commissioner the amount absolutely indispensable, and that officer will then apply to the Government that you may be supplied with the means of obedience to this order.”

It will take a great deal of time to prepare the Returns required from Mr. Morris and myself; and I therefore now have the honor to apply for thirty pounds (£30), upon receipt of which the order of their Honors the Judges will be obeyed by me.

I have, &c ,

F. W. PERRY,

Official Assignee, Insolvent Estates.

HIS HONOR

THE CHIEF COMMISSIONER
OF INSOLVENT ESTATES.

JOHN MORRIS, ESQ., to THE CHIEF COMMISSIONER OF INSOLVENT ESTATES.

Mort's Buildings, Pitt-street, Sydney,

May 20, 1858.

SIR,

I have the honor to inform you that, on the 14th *May instant*, I received a copy of a letter from the Chief Justice, dated 14th *April last*, to the Official Assignee, desiring them to prepare certain Returns, so soon as furnished with the necessary funds to pay the expense of preparing them, to report to you what expense the required labor will entail.

In reply, I beg to say that I have considered the subject, and, from the time the work would occupy, I find I could not get any one to undertake the duty for less than thirty pounds. I accordingly propose I should be allowed that sum. I would further remark, that the greater portion of the work in preparing the Returns will devolve upon myself and Mr. Perry.

I have, &c.,

JOHN MORRIS,

Official Assignee.

W. A. PUREFOY, ESQ.,

Chief Commissioner of Insolvent Estates.